

Washington, Wednesday, July 29, 1959

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 4]

PART 5—DETERMINATION OF PARITY PRICES

Tangerines

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 F.R. 761 as amended by 22 F.R. 693, 22 F.R. 8925, and 23 F.R. 1565) are amended as hereinafter specified in order to designate tangerines as a separate commodity for purposes of parity price calculations. Concurrent with this change the parity price for oranges will represent oranges, excluding tangerines whereas formerly it represented oranges, including tangerines. This change will become effective with parity price computations as of July 1959.

1. The paragraph of \$5.2 headed "citrus fruit" is amended by adding "tangerines."

2. The paragraph of § 5.4 headed "citrus fruit" is amended by adding "tangerines."

(Sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Done at Washington, D.C. this 24th day of July 1959.

CLARENCE L. MILLER, Assistant Secretary.

[F.R. Doc. 59-6239; Filed, July 28, 1959; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture [Valencia Orange Reg. 174, Amdt. 1]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DES-IGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as

amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 922.474 (Valencia Orange Regulation 174, 24 F.R. 5751) are hereby amended to read as follows:

(ii) District 2: 924,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 24, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[F.R. Doc 59-6235; Filed, July 28, 1959; 8:49 a.m.]

CONTENTS	-
Agricultural Marketing Service Proposed rule making: Pears (Beurrwe D'Anjou, Beurre Bosc, Winter Nelis, Doyenne de Comice, Beurre Easter, and Beurre Clairgeau) grown in California; expenses and rate of assessment for 1959–60 fis-	Page
cal yearRules and regulations: Milk in certain marketing areas; orders amending orders:	6055
Minneapolis-St. Paul Puget Sound, Wash Oranges, grapefruit, tangerines, and tangelos grown in Flor-	6037 6027
ida; limitation of shipments_ Valencia oranges grown in Ari- zona and designated part of	6037
California Agricultural Research Service Proposed rule making: Coffee; quarantine and regulations amendment	6025 6055
Agriculture Department See also Agricultural Marketing Service; Agricultural Research Service. Rules and regulations: Determination of parity prices; tangerines	6025
Army Department See also Engineers Corps. Heacock, Byron C.; statement of personal business interests_	6060
Civil Aeronautics Board Proposed rule making: Air carriers; exemption from certain requirements of Federal Aviation Act	6056
Commerce Department See also Federal Maritime Board; Foreign Commerce Bureau. Notices: Bluestone, Max Larry; statement of changes in financial interests	6061
Defense Department See Army Department: Engineers	

Corps.



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Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

CONTENTS—Continued

Engineers Corps Rules and regulations: Dumping grounds; miscellane-	Page	Propos Roa In San
ous amendments; correction_	6038	In
Federal Aviation Agency		ro
Proposed rule making:		Interio
Federal airway modification	6057	See Ir
Rules and regulations:		Mar
Fees for copying, certification and search of records; revision of partsStandard instrument approach procedures; miscellaneous alterations	6038	Inters sion Notice Fou re
Federal Communications Com- mission	•	A
Notices:	-	A
Binder-Carter-Durham, Inc., et-		"(
al.; further prehearing con- ference	6062	· T

CONTENTS—Continued

	COMITMIS—Committee	
Page	Labor Department See Wage and Hour Division.	Page
6059	Notices: Alaska public sale classification;	
6057	amendmentRules and regulations: Public land orders:	6061
•	Oregon (2 documents) 6050, Wisconsin	6050
6052 6052	Post Office Department Rules and regulations:	6047
	Metered stamps; record reten- tion periods for postage meter manufacturers	6038
6061	Securities and Exchange Com- mission	
	Corn Products Co.; hearing, etc Tariff Commission	6062
	Notices: Reports:	
6061	Stainless-steel flatware Toweling of flax, hemp, or ramie	6063 6063
6061	Wage and Hour Division	
	Learner employment certificates; issuance to various industries	6073
6046	CODIFICATION GUIDE	
6046	of Federal Regulations affected by docu	ments
	opposed to final actions, are identification. A Cumulative Codification Guide co	led as vering
6062		
	3 CFR Executive orders: Tuly 17 1017 (revoked in part	Page
6042	by PLO 1927)	6051
ı	1927)	6051
6062	5	6025
0002	925	6027
	973	6037 6037
6054	Proposed rules:	
6053	939 14. CFR	6055
	609	
	299	
		6097
6073		6042
6063 6064	25 CFR	6046
6063	Proposed rules: 48	6053
0000	10	อบอล
	6059 6057 	See Wage and Hour Division. Land Management Bureau Notices: Alaska public sale classification; amendment Public laind orders: New Mexico Oregon (2 documents) 6050, Wisconsin Wyoming Post Office Department Rules and regulations: Metered stamps; record retention periods for postage meter manufacturers. Securities and Exchange Commission Notices: Corn Products Co.; hearing, etc. Tariff Commission Notices: Reports: Stainless-steel flatware Toweling of flax, hemp, or ramie Wage and Hour Division Notices: Learner employment certificates; issuance to various industries. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by doou published in this issue. Proposed rulopposed to final actions, are identifisuch. A Cumulative Codification Guide contection than actions, are identificated. 3 CFR Executive orders: July 17, 1917 (revoked in part by PLO 1927) Aug. 23, 1917 (revoked by PLO 1927) Aug. 23, 1917 (revoked by PLO 1927) 7 CFR 5

CONTENTS—Continued

CODIFICATION GUIDE—Con.

·	
33 CFR	Page
205	6038
39 CFR	
33	6038
43 CFR	
Public land orders:	
1923	6047
1924	6049
1925	6050
1926	6050
1927	6051
	000-
47 CFR	
21 (2 documents)	6052
Proposed rules:	
1	6057
19	6059

[Milk Order No. 25]

PART 925—MILK IN PUGET SOUND, WASH., MARKETING AREA

Order Amending Order

	Older Amending Older
Sec.	
925.0	Findings and determinations.
	DEFINITIONS
925.1	Act.
925.2	Secretary.
925.3	Department.
925.4	
925.5	Cooperative association.
925.6	Puget Sound, Washington, market-
•	ing area.
925.7	Plant.
925.8	Fluid milk plant.
925.9	Country plant.
925.10	Nonpool plant.
925.11	Dairy farmer.
925.12	Producer.
925.13	Producer milk.
925.14	Other source milk.
925.15	Handler.
925.16	Producer-handler.
925.17	Base.
925.18	Base milk.

MARKET ADMINISTRATOR

925.20	Designation.
925.21	Powers.
925.22	Duties.

Excess milk.

925.19

REPORTS, RECORDS, AND FACILITIES

montmy reports of receipts and uti-
lization.
Payroll reports.
Other reports.
Records and facilities.
Retention of records.

CLASSIFICATION

925.35 Handler report to producers.

925.40	Skim milk and butterfat to be classified.
925.41	Classes of utilization.
925.42	Shrinkage.
925.43	Responsibility of handlers and re- classification of milk.
925.44	Interplant movements.
925.45	Computation of the quantity of pro-

MINIMUM PRICES

925.50	Basic formula price to be used in determining Class I prices.
925.51	Class prices.
925.52	Butterfat differentials to handlers.
925.53	Location adjustments on Class I milk.
925.54	Location adjustment to handlers on Class II milk.
925.55	Use of equivalent prices.

DETERMINATION OF BASE

Di	TERMINATION	OF	Uniform	PRICE
	Computation Computation			

925.60 Computation of producer bases.

Sec.

925.61 Base rules.

PAYMENTS

925.80	Time and method of payment to producers and to cooperative associations.
925.81	Location adjustments to producers.
925.82	Producer butterfat differential.

925.83 Producer-settlement fund.
925.84 Payments to the producer-settlement fund.

925.85 Payments out of the producer-settlement fund.

925.86 Adjustments of accounts. 925.87 Marketing services. 925.88 Expense of administration. 925.89 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

925.90 Effective time. 925.91 Suspension or termination. 925.92 Continuing obligations. 925.93 Liquidation.

MISCELLANEOUS PROVISIONS

925.100 Agents. 925.101 Separability of provisions. 925.102 Producer-handlers.

AUTHORITY: §§ 925.0 to 925.102 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 925.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficent quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rate share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of other source milk classified as Class I milk and milk received from producers, including such handler's own production.

(b) Determinations. It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act.

(2) The issuance of this order, amending the order, is the only practical means, pursuant to the declared policy of the Act, of advancing the interests of producers as defined in the order as

hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Puget Sound, Washington, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

DEFINITIONS

§ 925.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 925.2 Secretary.

"Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 925.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 925.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 925.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any state, which includes members who are producers as defined in § 925.12 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 925.6 Puget Sound, Washington, marketing area.

"Puget Sound, Washington, marketing area" (hereinafter called the "marketing area") means all territory lying west of range 8E in Whatcom, Skagit, Snohomish, and King Counties; all territory lying within townships 23N and 24N within range 8E in King County; all territory lying west of range 8E and north of township 18N in Pierce County, except Fox, McNeil, and Anderson Islands and the peninsula on which Lake Bay and Gig Harbor are located northward to the Kitsap County line; all territory lying within Thurston County; all territory, except the town of Vader, lying west of range 5E in Lewis County; all territory lying east of range 10W and north of township 12N in Pacific County; and all territory lying south of township 19N in Grays Harbor County; all in the State of Washington. As used in this section. "territory" shall include all municipal corporations, Federal military reservations, facilities and installations, and state institutions lying wholly or partly within the above described area. trict No. 1" of the marketing area shall include that part of the marketing area lying within the counties of King, Pierce. Snohomish, Thurston, and Grays Harbor. "District No. 2" of the marketing area shall include that part of the marketing area lying within Whatcom County. "District No. 3" of the marketing area shall include that part of the marketing area lying within the counties of Lewis and Pacific, and "District No. 4" of the marketing area shall include that part of the marketing area lying within Skagit County.

§ 925.7 Plant.

"Plant" means the land, building, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling and processing of milk and milk products: Provided, That this definition shall include any building with its premises, equipment and facilities including facilities for

washing tanks, (hereinafter also referred to as "reload point") which is used primarily as a location at which milk is transferred from one bulk tank farm pick-up truck to another or to an overthe-road tank truck, and which is approved by an appropriate health authority for such use.

§ 925.8 Fluid milk plant.

"Fluid milk plant" means any plant, other than the plant of a producer-handler, located in the marketing area which is approved by any health authority having jurisdiction in the marketing area as a plant from which milk may be distributed for consumption as fluid milk in the marketing area, and from which during the month skim milk or butterfat in any of the forms specified in § 925.41 (a) is disposed of (including sales at such plant, plant store or eating place) within the marketing area.

§ 925.9 Country plant.

"Country plant" means any plant (including any reload point), other than a fluid milk plant or the plant of a producer-handler, which is approved by any health authority having jurisdiction within the marketing area for the receiving of milk qualified for consumption as fluid milk within the marketing area: Provided, That any such plant located outside of the marketing area other than the plant at Sequim operated by the Sequim Creamery Association shall not be a country plant if the percentage of either butterfat or skim milk in milk so qualified which is received at the plant from dairy farmers and moved in fluid form as milk to a fluid milk plant, or disposed of within the marketing area in any of the forms specified in § 925.41(a), is less than:

(a) 50 percent in the current month during the period October through December; or

(b) 20 percent in the current month during the period January through September, except that if the percentage was more than 50 percent for the entire period of October through December immediately preceding no percentage shall be required for such months of January through September: And provided further, That any plant which otherwise meets the requirements of this section may withdraw from country plant status for any month in the January-September period if the operator of the plant files with the market administrator, prior to the first day of such month, a written request for such withdrayal.

§ 925.10 Nonpool plant.

"Nonpool plant" means any plant other than a fluid milk plant or a country plant.

§ 925.11 Dairy farmer.

"Dairy farmer" means any person who is engaged in the production of milk.

§ 925.12 Producer.

"Producer" means any dairy farmer, other than a producer-handler, who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area, for the

production of milk qualified for disposition to consumers in fluid form within the marketing area.

§ 925.13 Producer milk.

"Producer milk" or "milk received from producers" means milk qualified as described in § 925.12, other than that produced by a producer-handler, which either is received directly from a farm at a fluid milk plant or country plant, or is caused to be diverted by a handler for his account from such plant to a nonpool plant: Provided, That any such milk diverted to a nonpool plant shall be deemed to have been received by the diverting handler at the location of the plant to which it was diverted.

§ 925.14 Other source milk.

"Other source milk" means:

- (a) All skim milk and butterfat received from a producer-handler (or the plant of a producer-handler) in any form (including bottled products), and
- (b) All other skim milk and butterfat other than in:
 - (1) Producer milk, and
- (2) Milk and milk products in any of the forms specified in § 925.41(a) received from fluid milk plants and country plants.

§ 925.15 Handler.

"Handler" means: (a) Any person engaged in the handling of milk in his capacity as the operator of a fluid milk plant, a country plant or any other plant from which, during the month, more than 3,400 pounds of skim milk and butterfat in any of the forms specified in § 925.41(a) are disposed of to any place or establishment within the marketing area other than a plant: Provided, That this paragraph shall not be deemed to include any such person with respect to any of the items specified in § 925.41 (a) disposed of to a military or other ocean transport vessels leaving the marketing area if the items so disposed of originated at a plant located outside the marketing area and were not received or processed at any fluid milk plant or country plant; and

(b) Any cooperative association, which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for the account of such cooperative association from a fluid milk plant or a country plant to a nonpool plant.

§ 925.16 Producer-handler.

"Producer-handler" means a person who is both a dairy farmer and a handler, and who has been so designated by the market administrator upon his determination that all of the requirements of § 925.102 have been met, and that none of the conditions therein for cancellation of such designation exists. Such designation shall be effective on the first day of the month after receipt by the market administrator of the application required by § 925,102(a) (4), except that the effective date of designation shall be the same as the effective date of this provision if the application therefor is filed not later than 15 days after such effective date. The effective date of designation shall be governed

by the date of filing new applications in instances where applications previously filed have been denied. All designations shall remain in effect until cancelled pursuant to § 925.102(d).

§ 925.17 Base.

"Base" means a quantity of milk, expressed in pounds per day or per month, computed pursuant to § 925.60(a) and (b) respectively.

§ 925.18 Base milk.

"Base milk" means milk delivered by a producer during the month which is not in excess of:

(a) His daily base computed pursuant to § 925.60(a) multiplied by the number of days of delivery in such month, or

(b) His base computed pursuant to § 925.60(b): Provided, That with respect to any producer on "every-other-day" delivery to a fluid milk plant or country plant, the days of non-delivery shall be considered as days of delivery for the purposes of this section and of § 925.60(a).

§ 925.19 Excess milk.

"Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 925.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of, the Secretary.

§ 925.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and (d) To recommend amendments to

the Secretary. § 925.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

- (a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 925.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 925.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate.

designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 925.30

to 925.32, inclusive, or

(2) Made one or more of the payments pursuant to §§ 925.80 to 925.88, inclusive.

- (i) On or before the 13th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;
- (j) On or before the 13th day after the end of each month, notify:
- (1) Each handler whose total value of milk is computed pursuant to § 925.70(a) of:
- (i) The amounts and values of his producer milk in each class and the totals of such amounts and values;
- (ii) The amount of any charge made pursuant to § 925.70(a) (6);
- (iii) The uniform prices for base milk and excess milk;
- (iv) The totals of the amounts computed in the manner provided by § 925.80(a):
- (v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and
- (vi) The totals of the amounts required to be paid by such handler pursuant to §§ 925.87 and 925.88.
- (2) Each handler whose total value of milk is computed pursuant to § 925.70(b) of the pounds of other source milk on which payment is required to be made and the amounts due the producer-

settlement fund and pursuant to § 925.88 from such handler.

- (k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:
- (1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 925.51(a) and the Class I butterfat differential pursuant to § 925.52(a), both for the current month; and the minimum price for Class II milk pursuant to § 925.51(b) and the Class II butterfat differential pursuant to § 925.52(b), both for the preceding month; and
- (2) On or before the 13th day of each month, the uniform price(s) computed pursuant to § 925.71 and the butterfat differential(s) computed pursuant to § 925.82, both applicable to producer milk received during the preceding month; and
- (1) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 925.30 Monthly reports of receipts and utilization.

On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 925.15(a) shall submit to the market administrator a separate report for each of such handler's fluid milk plants, country plants, and plants from which skim milk or butterfat in any of the forms specified in § 925.41(a) is disposed of to any place or establishment within the marketing area other than a plant, and each cooperative association which is a handler pursuant to § 925.15(b) shall submit to the market administrator a report with respect to milk diverted on its account, containing the following information for the preceding month:

- (a) The quantities of skim milk and butterfat contained in milk received from producers, including as a separate amount any milk of own farm production:
- (b) The quantities of skim milk and butterfat contained in milk and milk products specified in § 925.41(a) received from other handlers;
- (c) The quantities of skim milk and butterfat contained in other source milk received (except manufactured Class II milk products:
- (1) Disposed of in the form in which received without further processing by the handler, or
- (2) Used to produce other Class Π milk products).
- (d) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including the pounds of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products specified in § 925.41(a);
- (e) The aggregate quantities of base milk and excess milk received; and
- (f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 925.31 Payroll reports.

On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries (other than his own farm production) of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 925.32 . Other reports.

At such times and in such manner as the market administrator may prescribe, each handler shall report to the market administrator such information in addition to that required under § 925.30 as may be requested by the market administrator with respect to milk and milk products handled by him.

§ 925.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 925.30, 925.31, 925.32, and 925.102 and payments required to be made pursuant to §§ 925.80 to 925.88.

§ 925.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: Provided, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 3c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 925.35 Handler report to producers.

- (a) In making payments to producers pursuant to § 925.80, each handler, on or before the 19th day of each month, shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month:
- (1) The identification of the handler and the producer:
- (2) The total pounds of milk delivered by the producer and the average butter-

- fat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery:
- (3) The minimum rate(s) at which payment to the producer is required under the provisions of § 925.80;
- (4) The rate per hundredweight and amount of any premiums or payments above the minimum prices provided by the order:
- (5) The amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(b) In making payment to a cooperative association in aggregate each handler upon request shall furnish to the cooperative association with respect to each producer for whom such payment is made, any or all of the above information specified in paragraph (a) of this section.

CLASSIFICATION

§ 925.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 925.30 shall be classified by the market administrator pursuant to the provisions of §§ 925.41 to 925.45, inclusive.

§ 925.41 Classes of utilization.

Subject to the conditions set forth in §§ 925.42, 925.43 and 925.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted and fortified skim milk) and butterfat;

(1) Disposed of in fluid or frozen form as milk, skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drink, and cream (sweet or sour), and used in the production of concentrated milk, skim milk, flavored milk and flavored milk drinks (but not including:

(i) Those products commonly known as evaporated milk, condensed milk, and

condensed skim milk;

(ii) Any milk or milk product sterilized and packaged in hermetically sealed metal containers; and

(iii) Any item named in this subparagraph disposed of pursuant to paragraph

(b) (3) of this section),

- (2) Disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream and other frozen dessert mixes disposed of to a commercial processor, cocoa mixes, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, evaporated or condensed products, eggnog and yogurt);
- (3) Contained in monthly inventory variations,
- (4) Shrinkage of producer milk in excess of that pursuant to paragraph (b) (4) of this section and shrinkage allocated to receipts from other handlers pursuant to § 925.42(b), and
- (5) Not specifically accounted for under paragraph (b) of this section.
- (b) Class II milk shall be all skim milk and butterfat:

- (1) Disposed of (i) as (or used to produce, in the case of ice cream and frozen desserts and mixes for such products (liquid or powder), cottage cheese, cocoa mixes, and aerated cream products) any product other than those included under paragraph (a) (1) and (2) of this section; or (ii) as milk or any milk product sterilized and packaged in hermetically sealed metal containers,
- (2) Disposed of for livestock feed, (3) Disposed of in bulk in any of the forms specified in paragraph (a) of this section to bakeries, soup companies and candy manufacturing establishments in their capacity as such and to nonpool plants subject to the conditions of § 925.44(c)(2) and (3),

(4) In actual shrinkage of producer milk computed pursuant to § 925.42 but not in excess of 2 percent of the quantities of skim milk and butterfat, respectively, in producer milk, and
(5) In actual shrinkage of other

source milk computed pursuant to

§ 925.42.

§ 925.42 Shrinkage.

The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for

each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among the pounds of producer milk, other source milk, and receipts from other handlers: *Provided*, That if milk is transferred from a fluid milk plant or a country plant to a nonpool plant located on the same premises as the transferor plant, the transfer to the nonpool plant shall be reduced by an amount determined by multiplying the total shrinkage in such nonpool plant by the percentage which the amount so transferred is to the total receipts at such nonpool plant.

§ 925.43 Responsibility of handlers and reclassification of milk.

- (a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.
- (b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 925.30.
- (c) Except as provided in § 925.44(c) (1), any skim milk or butterfat classified in one class shall be reclassified if used or reused by any handler in another

§ 925.44 Interplant movements.

Skim milk and butterfat moved by transfer, and by diversion under paragraph (c), of this section, as any item specified in § 925.41(a) from a fluid milk plant or country plant shall be assigned (separately) to each class in the following manner:

(a) To a fluid milk plant: As Class I milk to the extent Class I milk is available at the transferee-plant, subject to the following provisions:

- (1) In the event the quantity transferred exceeds the total of receipts from producers and other handlers at the transferor-plant, such excess shall be assigned last to the Class I available at the transferee-plant;
- (2) If more than one transferor-plant is involved, the available Class I milk shall be assigned to the transferorplants in the following order:

(i) To fluid milk plants located in Dis-

trict No. 1:

- (ii) To country plants located in District No. 1 or in the counties of Pierce, Kitsap and Mason;
- (iii) To fluid milk plants located in District No. 4;
- (iv) To country plants located in District No. 4;
- (v) To fluid milk plants in District No.
- (vi) To country plants located in District No. 3;
- (vii) To fluid milk plants located in District No. 2;
- (viii) To country plants located in District No. 2 or Kittitas County:
- (ix) To country plants located in Clallam County or Jefferson County; and
- (x) To country plants not located in the marketing area, Kitsap County, Mason County, Kittitas County, Clallam County, Jefferson County or Pierce County.
- (3) If Class I is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph, the transferee-handler may designate, within each of the ten categories of plants listed in such subparagraph, the plant(s) to which the available Class I milk shall be assigned.
- (4) If at a fluid milk plant any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) located in District No. 1 or in the counties of Kitsap, Mason, or Pierce are assigned to Class II milk, they shall be allocated, as designated by the transferee-handler, to the uses stated in § 925.54(a) insofar as such uses are available at the transferee-plant after allocating to such uses the other source

milk at such plant; and

- (5) Notwithstanding the prior provisions of this paragraph any such skim milk and butterfat caused to be moved in bulk by a handler during any month from any fluid milk' plant or country plant by transfer to a fluid milk plant in which facilities are maintained and used during the same month to receive milk or milk products required by applicable health authority regulations to be kept physically separate from milk qualified as described in § 925.12 shall be deemed to have been transferred by such handler to a country plant, and shall be classified in accordance with the provi-
- sions of paragraph (b) of this section. (b) To a country plant: As Class II milk, subject to the following conditions:
- (1) The skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee-plant after the subtraction pursuant to

- such plant and after the subtraction u producer shrinkage classified as Class II milk pursuant to § 925.41(b) (4), and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk:
- (2) If more than one transferor-plant is involved, the available Class II milk shall be assigned to the transferorplants in the following order:
- (i) To country plants not located in the marketing area, Kitsap County, Mason County, Clallam County, Jefferson County, Kittitas County or Pierce County;
- (ii) To country plants located in Clallam County or Jefferson County;
- (iii) To country plants in District No. 2 or Kittitas County;
- (iv) To fluid milk plants in District No. 2;
- (v) To country plants in District No. 3;
- (vi) To fluid milk plants in District No. 3;
- (vii) To country plants in District No. 4;
- (viii) To fluid milk plants in District No. 4;
- (ix) To country plants located in District No. 1, Kitsap County, Mason County, or Pierce County; and
- (x) To fluid milk plants located in District No. 1.
- (3) If Class II milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph, the transferee-handler may designate, within each of the ten categories of plants listed in such subparagraph the plant(s) to which the available Class II milk shall be assigned: and
- (4) If at a country plant any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) located in District No. 1, Kitsap County, Mason County, or Pierce County are assigned to Class II milk, they shall be allocated, as designated by the transferee-handler, to the uses stated in § 925.54(a) insofar as such uses are available at the transferee-plant after allocating to such uses the other source milk at such plant.
 - (c) To a nonpool plant:
- (1) As Class I milk if the transfer or diversion is to a nonpool plant located outside the marketing area or to the plant of a person holding designation as a producer-handler at the time of the transfer or diversion, except as provided for in subparagraphs (2) and (3) of this paragraph.
- (2) As Class II milk if the transfer or diversion is to a nonpool plant located in the marketing area or within any of the counties of Kitsap, Mason, Clallam, Jefferson, Grays Harbor, Pierce and Island, in the State of Washington, which is not engaged in the distribution of milk for consumption in fluid form: Provided, That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in § 925.41(a) to any other nonpool plant distributing milk in fluid form, such disposition up to the quantity of milk transferred or diverted to the first nonpool plant shall be classi-§ 925.45(b)(2) of other source milk at fied as Class I milk: Provided further,

- That if the preceding proviso does not apply the transferred or diverted quantity shall be allocated to uses other than those covered by § 925.54(a) to the extent that such other Class II milk uses are available at such nonpool plant: And provided also, That if the market administrator is not permitted to audit the records of such nonpool plant for the purpose of use verification, the entire transfer shall be classified as Class I
- (3) As Class II milk to the extent of milk available in equivalent uses in the transferee-plant pursuant to the classification and allocation provisions applicable to milk therein, if the transfer or diversion is made in bulk form to a plant fully regulated under another Federal order.

§ 925.45 Computation of the quantity of producer milk in each class.

For each handler the market administrator shall:

- (a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class: Provided, That when nonfat milk solids derived from nonfat dry milk solids, condensed skim milk, or any other product condensed from milk or skim milk, are utilized by such handler either:
- (1) To fortify (or as an additive to) fluid milk, flavored milk, skim milk or any other Class I milk product, or
- (2) For disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids:
- (b) Allocate skim milk in the following manner:
- (1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 925.41(b) (4):
- (2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received and in overage allocated to other source milk (§ 925.70(a) (5)): Provided, That if the receipts of skim milk in other source milk plus the overage allocated to other source milk are greater than the pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;
- (3) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other fluid milk plants and country plants and assigned to such class pursuant to § 925.44:
- (4) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and
- (5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) of this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 925.50 Basic formula price to be used in determining Class I prices.

The basic formula price to be used in computing the price per hundredweight of Class I milk for the current month shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section for the

preceding month.

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich. Carnation Co., Sparta, Mich. Pet Milk Co., Wayland, Mich. Pet Milk Co., Coopersville, Mich. Borden Co., Orfordville, Wis. Borden Co., New London, Wis. Carnation Co., Richland Center, Wis. Carnation Co., Oconomowoc, Wis. Pet Milk Co., New Glarus, Wis. Pet Milk Co., Belleville, Wis. White House Milk Co., Manitowoc, Wis. White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator

from the following formula:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange for the trading days that fall within the

month:

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 4.

(c) The price per hundredweight computed by the market administrator from the following formula:

- (1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: Provided, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;
- (2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids,

spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 925.51 Class prices.

Subject to the differentials provided in § 925.52 the following are the minimum prices per hundredweight to handlers for Class I milk and Class II milk:

(a) Class I milk. The price for Class I milk shall be the basic formula price plus \$1.65: Provided, That the price for Class I milk for the months of April through June, inclusive, of any year shall not be higher than the price computed pursuant to the above provisions of this paragraph for the month of March immediately preceding, and the price for Class I milk for any October through January period, inclusive, shall not be lower than the price computed pursuant to the provisions of this paragraph for the month of September immediately preceding.

(b) Class II milk. The price for Class II milk shall be that computed by the market administrator from the following formula:

(1) Add 3 cents to the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department, during the month, and multiply the result by 4.8: Provided, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92score) butter for that day shall be used in lieu of the price for Grade AA (93score) butter.

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents.

§ 925.52 Butterfat differentials to handlers.

If the average butterfat content of Class I milk or Class II milk, computed pursuant to § 925.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 925.51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) Class I milk. Add 3 cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the preceding month, multiply the result by 0.120, and round to the nearest tenth of a cent: Provided, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) Class II milk. Add 3 cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the month, multiply the result by 0.115, and round to the nearest tenth of a cent: Provided, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

§ 925.53 Location adjustments on Class I milk.

The price of Class I milk at each plant not located in District No. 1 or in the counties of Kitsap, Mason or Pierce shall be, regardless of point of disposition within or outside the marketing area, the Class I price pursuant to § 925.51 less a location differential for such plant shown in the table below:

Class I price differentials (cents per Plant location: hundredweight) District No. 1 or Kitsap, Mason or Pierce Counties District No. 4 District No. 3____ District No. 2 or Kittitas Co----Other locations outside the marketing area_____ 40

§ 925.54 Location adjustments on Class II milk.

In computing each handler's value of milk there shall be added with respect to each fluid milk plant and country plant located in District No. 1 or in the counties of Kitsap, Mason or Pierce, an amount of money computed as follows:

(a) Compute the sum (in pounds) of:

(1) The total utilization at such plant (including any disposition of skim milk and butterfat from such plant for similar uses at nonpool plants) of skim milk and butterfat, respectively, in evaporated milk in hermetically sealed cans, butter, non-fat dry milk solids, powdered whole milk, all cheeses except "baker's," "pot," cottage (including that creamed) cream and neufchatel, and shrinkage allowable as Class II milk pursuant to § 925.41(b) (4) and (5), and

(2) The total quantity of skim milk and butterfat transferred to other fluid milk plants and country plants and allocated to the uses specified in subparagrap (1) of this paragraph (as provided in-§ 925.44(a) (4) and (b) (4));

(b) Subtract such sum from the total quantity of Class II milk for such plant, including that resulting from the disposition of skim milk or butterfat from such plant to nonpool plants;

(c) Subtract from the net amounts of skim milk and butterfat, respectively, resulting from paragraph (b) of this section to the extent of such amounts,

the amounts of skim milk and butterfat received at such plant from fluid milk plants and country plants not located in District No. 1 or in the counties of Kitsap, Mason or Pierce and assigned to Class II milk pursuant to § 925.44 (but exclusive of the quantity by which transfers received from a transferor-plant exceeds the total of receipts from producers and other handlers at such transferor-plant); and

(d) Multiply by 25 cents per hundredweight the lesser of the following quantities:

(1) The net amount resulting from paragraph (c) of this section, or

(2) The total amount of producer milk received at such plant directly from farms which is available for Class II milk after the assignment of transfers pursuant to § 925.44.

§ 925.55 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF BASE

§ 925.60 Computation of producer bases.

Subject to the rules set forth in § 925.61, the market administrator shall determine bases for producers in the manner provided in paragraphs (a) and (b) of this section:

- (a) The daily base of each producer whose milk was received by a handler(s) on not less than one hundred twenty (120) days during the months of August through December, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered in such five-month period by the number of days from the date of his first delivery to the end of such five-month period. The base so computed, which shall be recomputed each year, shall become effective on the first day of February next following and shall remain in effect through the month of January of the next succeeding year: Provided, That for any dairy farmer for whom information concerning deliveries during the baseearning period is available to the market administrator and who becomes a producer as a result of (1) the plant to which his milk was delivered during the base-earning period subsequently being qualified as a fluid milk plant or country plant, or (2) cancellation of a producerhandler's designation as such, a daily base shall be computed pursuant to this paragraph.
- (b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have a monthly base computed by multiplying his deliveries to a handler(s) during the month by the appropriate monthly percentage in the following table:

January	70	July	55
February	70	August	60
March		September	60
April	55	October	65
May		November	70
June	50	December	70
No. 147	2		

§ 925.61 Base rules.

The following rules shall be observed in determination of bases:

- (a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer, but under the following circumstances only: If a producer who earned a base pursuant to § 925.60(a) sells, leases, or otherwise conveys his herd to another producer, the latter may receive the transferor's base, pursuant to the conveyance and utilize such base for the remainder of the period for which such base is effective pursuant to § 925.60(a), subject to the following conditions:
- (1) Such base shall apply to deliveries of milk by the transferee-producer from the same farm only;
- (2) If such conveyance takes place subsequent to August 1 of any year, all milk delivered to a handler(s) between August 1 and the last day of the base-earning period as specified in § 925.60 (a), inclusive, from the same farm (whether by the transferor or transferee-producer) shall be utilized in computing the base of the transferee-producer pursuant to § 925.60(a);
- (3) It is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this order; and
- (4) Notwithstanding subparagraphs (1) and (2) of this paragraph, but in compliance with subparagraph (3) of this paragraph,
- (i) A base, whether earned pursuant to § 925.60(a) or received by transfer, may be transferred to a member of a baseholder's immediate family, and
- (ii) In the case of a baseholder's death, a base earned pursuant to § 925.60(a) by the baseholder or by a member of his immediate family may be further transferred to an outside party: *Provided*, That for purposes of this subpragraph a transfer to an estate shall not be considered as a transfer to an outside party.
- (b) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to § 925.60(a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 925.60(b) until he can establish a new base in the manner provided in § 925.60(a).
- (c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 925.60(a) may relinquish such base by cancellation. Such producer's base shall be computed in the manner provided by § 925.60(b) and shall be effective from the first day of the month in which notice is received by the market administrator until the close of the period, pursuant to § 925.60(a), for which such base was computed.
- (d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer

is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 925.12 may establish or earn a base pursuant to the provision of § 925.60, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

DETERMINATION OF UNIFORM PRICE

§ 925.70 Computation of value of milk.

- (a) Except as provided in paragraph (b) of this section, the total value of milk received during any month at each plant by each handler, including a cooperative association, shall be a sum of money computed by the market administrator as follows:
- (1) Multiply the pounds of producer milk in each class for such month by the class price (§ 925.51) and add together the resulting amounts;
- (2) Deduct the total amount of all location adjustment credits computed in accordance with § 925.53;
- (3) Add the total amount of all location adjustments computed pursuant to § 925.54;
- (4) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;
- (5) Add, if such handler had overage, an amount computed by multiplying the pounds of such overage (except overage prorated to other source milk) deducted from each class pursuant to § 925.45 by the applicable class price: *Provided*, That if:
- (i) Overage results in a fluid milk plant or country plant having receipts of other source milk, the total overage shall be prorated between other source milk and all other receipts, and
- (ii) Overage results in a nonpool plant located on the same premises as a fluid milk plant or country plant, such overage shall be prorated between the quantity transferred from the fluid milk plant or country plant and other source milk in such nonpool plant, and the transferor-handler shall be charged at the applicable class price for the amount of overage allocated to the transferred quantity.
- (6) Add, with respect to other source milk (including overage allocated to other source milk) received at each fluid milk plant and country plant of such handler in excess of the total pounds of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundred-weight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials pro-

vided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in District 1 or in the counties of Kitsap, Mason or Pierce, such difference shall be reduced in accordance with the per hundredweight rates specified for Class I milk in the table set forth in § 925.53.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and, in the event disposition within the marketing area was restricted to Districts Nos. 2, 3, or 4, such difference shall be reduced in accordance with the respective per hundredweight rates specified for Class I milk in the table set forth in § 925.53.

§ 925.71 Computation of uniform price.

For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

- (a) Combine into one total the values computed pursuant to § 925.70 for all handlers who made the reports prescribed in § 925.30 and who made the payments pursuant to § 925.84 for the preceding month;
- (b) Add the aggregate of the values of the location adjustments on base milk allowable pursuant to § 925.81(a);
- (c) Deduct the aggregate of the values of the location adjustments on excess milk computed pursuant to § 925.81(b);
- (d) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;
- (e) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 925.82 and multiplying the resulting figure by the total hundredweight of such milk;
- (f) Multiply the hundredweight of excess milk by the Class II price for 4.0 percent milk, rounded to the nearest one-tenth cent;
- (g) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (f) of this section from the net amount computed pursuant to paragraph (e) of this section: Provided, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents such amount in excess thereof shall be subtracted

from the result obtained prior to this proviso;

- (h) Divide the net amount obtained in paragraph (g) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and
- (i) Divide the amount obtained in paragraph (f) of this section plus any amount subtracted pursuant to the proviso of paragraph (g) of this section by the hundredweight of excess milk, and subtract any fractional part of one cent. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

, PAYMENTS

§ 925.80 Time and method of payment to producers and to cooperative associations.

(a) On or before the 19th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: Provided, That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 925.5 with respect to milk received from each. producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 17th day after the end of such month: And provided further, That if by such date such handler has not received full payment for such month pursuant to § 925.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payments is received from the market administrator:

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to \$925.82 and by any location adjustment applicable under \$925.81; and

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by any location adjustment applicable under § 925.81.

(b) On or before the 17th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiply-

ing the total pounds of such skim milk and butterfat in each class (pursuant to § 925.41) by the class price taking into account any location adjustment, as provided by §§ 925.53 and 925.54, applicable at the plant at which payment for such skim milk and butterfat is required under the provisions of § 925.70.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5) (F) of the Act from making payment for milk to its producers in accordance with such provision of the

§ 925.81 Location adjustments to producers.

In making payments to producers pursuant to § 925.80(a) and subject to the application of § 925.13 the following adjustments for location are applicable:

(a) Deductions may be made per hundredweight of base milk received from producers at respective plant locations at the same per hundredweight rates as specified for Class I milk in the table set forth in § 925.53.

(b) 25 cents per hundredweight shall be added to the uniform price for excess milk received from producers at plants located in District No. 1 or in the counties of Kitsap, Mason or Pierce.

§ 925.82 Producer butterfat differential.

In making payments pursuant to § 925.80(a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) The butterfat differential for base milk shall be computed by multiplying the butterfat differential for Class I milk by the percentage of the butterfat contained in base milk that is allocated to Class I, and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, adding together the resulting amounts, and rounding to the nearest tenth of a cent.

(b) The butterfat differential for excess milk shall be the same as the butterfat differential for Class II milk.

§ 925.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 925.84 and out of which he shall make all payments to handlers pursuant to § 925.85.

§ 925.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is greater than the value of such handler's producer milk computed at the minimum

uniform prices as specified in § 925.80(a).

§ 925.85 Payments out of the producersettlement fund.

On or before the 17th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80(a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 925.84, 925.86, 925.87 and 925.83: Provided, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 925.86 Adjustments of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due:

- (a) The market administrator from such handler,
- (b) Such handler from the market administrator, or
- (c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 925.87 Marketing services.

- (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 925.80(a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:
- (1) All milk received from producers at a plant not operated by a cooperative association:
- (2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and
- (3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator.

Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer:

(1) Who is a member of, or who has given written authorization for the rendering of marketing service and the taking of deduction therefore to, a cooperative association.

(2) Whose milk is received at a plant not operated by such association, and

(3) For whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 925.80(a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 15th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 925.88 Expense of administration.

As his pro rata share of the expense of administration of this order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of:

(a) Other source milk classified as Class I milk, and

(b) Milk received from producers, including such handler's own production.

§ 925.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

- (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last-known address, and it shall contain, but need not be limited to, the following information:
 - (1) The amount of the obligation:
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.
- (b) If a handler fails or refuses, with respect to any obligation under this part. to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administra-

provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 925.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 925.91.

§ 925.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 925.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment oi which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 925.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or tor may, within the two-year period other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 925.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 925.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 925.102 Producer-handlers.

(a) Requirements for designation. (1) The producer-handler has and exercises (in his capacity as a handler) complete and exclusive control over the operation and management of a plant at which he handles and processes milk received from his milk production resources and facilities (designated as such pursuant to paragraph (c) (1) of this section), the operation and management of which are under the complete and exclusive control of the producer-handler (in his capacity as a dairy farmer).

(2) The producer-handler neither receives at his designated milk production resources and facilities nor receives, handles, processes, or distributes at or through any of his milk handling, processing or distributing resources and facilities (designated as such pursuant to paragraph (c) (2) of this section) skim milk or butterfat in any of the forms specified in § 925.41(a) derived from any source other than (i) his designated milk production resources and facilities, (ii) fluid milk plants or country plants within the limitations specified in paragraph (d) (5) of this section, or (iii) nonfat milk solids as described in the first proviso of § 925.45(a) which are used to fortify items specified in § 925.41(a).

(3) The producer-handler is neither directly or indirectly, associated with the business control or management of, nor has a financial interest in, another handler's operation; nor is any other handler so associated with the producer-handler's operation.

(4) Any person claiming to meet the foregoing requirements must, file with the market administrator, on forms prescribed by the market administrator, an application for designation as a producer-handler, pursuant to paragraph (b) of this section: *Provided*, That any subsequent addition to, or elimination from, such resources and facilities so listed and described, made by a person designated

as a producer-handler, shall be reported to the market administrator on or before the date for the filing of reports pursuant to § 925.30 next following such addition or elimination, for his determination as to whether the producer-handler continues, in the revised circumstance, to meet the requirements for designation as such.

(5) Designation of any person as a producer-handler following a cancellation of his prior designation shall be preceded by performance in accordance with subparagraphs (1), (2), and (3) of this paragraph for a period of 12 consecutive months, and shall require the filing of a new application as required by subparagraph (4) of this paragraph. The sale or other transfer of the milk production, handling, processing, or distributing resources and facilities of such person to another person shall not remove the performance requirement provided herein in connection with the operation of any such resources and facilities.

(b) Application. Each application for designation as producer-handler must provide complete information concerning the following:

(1) A list and description of the applicant's milk production resources and facilities as defined in paragraph (c) (1) of this section, and of those milk production resources and facilities which the applicant desires not to be determined a part of his designated production resources and facilities pursuant to the proviso in such subparagraph;

(2) A list of the applicant's milk handling, processing, and distributing resources and facilities as defined in paragraph (c) (2) of this section;

(3) The names of any other person(s) having or exercising any degree of direct, indirect, or partial ownership, operation, or control of, or with whom there exists any contractural arrangement with respect to, the applicant's operation either as a dairy farmer or a handler; and

(4) Such other information as may be required by the market administrator.

(c) Resources and facilities. Designation of a person as a producer-handler shall include the determination and designation of the milk production, handling, processing and distributing resources and facilities, all of which shall be deemed to constitute an integrated operation as follows:

(1) As milk production resources and facilities: all resources and facilities (milking herd(s), buildings housing such herd(s), and the land on which such buildings are located) used for the production of milk:

(i) Which are directly, indirectly, or partially owned, operated, or controlled by the producer-handler;

(ii) In which the producer-handler in any way has an interest, including any contractual arrangement; and

(iii) Which are directly, indirectly, or partially owned, operated, or controlled by any partner or stockholder of the producer-handler: Provided, That for purposes of this subparagraph any such milk production resources and facilities which the producer-handler proves to the satisfaction of the market administrator do not constitute an actual or po-

tential source of milk supply for the producer-handler's operation as such, shall not be considered a part of his milk production resources and facilities; and

(2) As milk handling, processing, and distributing resources and facilities: all resources and facilities (including store outlets) used for handling, processing, and distributing within the marketing area skim milk and butterfat in any of the forms specified in § 925.41(a):

(i) Which are directly, indirectly, or partially owned, operated or controlled

by the producer-handler; or

(ii) In which the producer-handler in any way has an interest, including any contractual arrangement, or with respect to which the producer-handler directly or indirectly exercises any degree of management or control.

(d) Cancellation. The designation as a producer-handler shall be cancelled under any of the conditions set forth in subparagraphs (1), (2), (3), (4), or (5) of this paragraph, or upon determination by the market administrator that any of the requirements of subparagraphs (1), (2) and (3) of paragraph (a) of this section are not continuing to be met, such cancellation to be effective on the first day of the month following the month in which the re-

tions for cancellation occurred.
(1) Milk from the designated milk production resources and facilities of the producer-handler is delivered in the name of another person as producer milk

quirements were not met, or the condi-

to another handler.

(2) Except in the months of August through February, and with prior notice to the market administrator, a dairy herd, cattle barn or milking parlor currently designated a part of the producer-handler's milk production resources and facilities is transferred to another person who uses such resources or facilities for producing milk which is delivered as producer milk to another handler: Provided, That the provisions of this subparagraph shall not be deemed to preclude the occasional sale of individual cows from the herd.

(3) Except in the months of March through July, and with prior notice to the market administrator, a dairy herd, cattle barn or milking parlor previously used for the production of milk delivered as producer milk to another handler is added to the designated milk production resources and facilities of the producer-handler: *Provided*, That the provisions of this subparagraph shall not be deemed to preclude the occasional purchase of individual cows for the herd.

(4) A dairy herd, cattle barn, or milking parlor which at any time during any of the preceding 12 months was a part of the producer-handler's designated milk production resources and facilities and was subsequently during that period used by another person for producing milk delivered as milk to another handler is added to the producer-handler's milk production resources and facilities.

(5) Except as provided in subdivisions (i) and (ii) of this subparagraph, the producer-handler handles skim milk or butterfat in any of the forms specified in § 925.41(a) derived from sources other

than the designated milk production facilities and resources:

(i) Purchases in the form of packaged fluid or frozen skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drinks, and cream from fluid milk plants or country plants which do not exceed an average amount of 100 product pounds per day in the aggregate during the month, and

(ii) Any other purchases of skim milk or butterfat, bulk or packaged, in any of the forms specified in § 925.41(a) from fluid milk plants or country plants which are effected within a single span of 45 consecutive days in any 12-month period.

- (e) Public announcement. The market administrator shall publicly announce the name, plant location and farm location(s) of persons designated as producer-handlers, of those whose designations have been cancelled, and the effective dates of producer-handler status or loss of producer-handler status for each. Such announcements shall be controlling with respect to the accounting at plants of other handlers for milk received from any producer-handler.
- (f) Burden of establishing and maintaining producer-handler status. burden rests upon the handler who is designated as a producer-handler (and upon the applicant for such designation) to establish through records required pursuant to § 925.33 that the re-. quirements set forth in paragraph (a) of this section have been and are continuing to be met, and that the conditions set forth in paragraph (d) of this section for cancellation of designation do not exist.
- (g) Inapplicability of certain provisions. Sections 925.40 to 925.45, inclusive, §§ 925.50 to 925.55, inclusive, §§ 925.60 and 925.61, §§ 925.70 and 925.71, and §§ 925.80 to 925.89, inclusive, shall not apply to a producer-handler.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 24th day of July 1959, to be effective on and after the first day of September, 1959.

> CLARENCE L. MILLER. Assistant Secretary.

[F.R. Doc. 59-6237; Filed, July 28, 1959; 8:49 a.m.]

[Grapefruit Reg. 311]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.972 Grapefruit Regulation 311.

(a) Findings. (1) On July 2, 1959, notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5391) regarding a proposed limitation of shipments of grapefruit, grown in the production area, during the period August 3, 1959, through September 6, 1959, pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Growers Administrative Committee (established pursuant to the amended marketing agreement and order), and other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that good cause exists for not postponing the effective date of this regulation until 30 days after publication thereof in the FEDERAL REG-ISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.). Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 26, 1959; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; a notice that consideration was being given to issuing the regulation recommended by the committee was published in the FEDERAL REGISTER, and interested persons were afforded an opportunity to submit their views; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) Order. (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (7 CFR 51.-750-51.790); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a.m., e.s.t., August 3, 1959, and ending at 12:01 a.m., e.s.t., September 7, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1: Provided, That such grapefruit which grade U.S. No. 1 Russet, U.S. No. 2 Bright, U.S. No. 2, or U.S. No. 2 Russet, may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 312,16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for

Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than 31/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit. (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 24, 1959.

S. R. SMITH, Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6236; Filed, July 28, 1959; 8:49 a.m.]

[Milk Order No. 73]

PART 973-MILK IN MINNEAPOLIS-ST. PAUL MARKETING AREA

Order Amending Order

§ 973.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul marketing area. Upon the basis of evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the de-

clared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) Additional findings. It is necessary in the public interest to make this order amending the order effective not later than August 1, 1959.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued July 22, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the Federal Register. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) Determinations. It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area. to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order [F.R. Doc. 59-6216; Filed, July 28, 1959; is hereby amended as follows:

§ 973.9 [Amendment]

Delete the second proviso in § 973.9 (b) (1) and substitute therefor the following: "And provided further, That if during each of the months of August through October 1959, 50 percent or more of such plant's total receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph it shall be a pool plant through June 1960;"

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 24th day of July 1959 to be effective on and after the 1st day of August 1959.

> CLARENCE L. MILLER. Assistant Secretary.

[F.R. Doc. 59-6238; Filed, July 28, 1959; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 205-DUMPING GROUNDS **REGULATIONS**

Miscellaneous Amendments

Correction.

In F.R. Document 59-4632, appearing in the issue for Thursday, June 4, 1959, at page 4561, make the following change:

In § 205.59(a), the latitude in the seventh line now reading "47°29'40'", should be changed to read "37°29'40'".

Title 39—POSTAL SERVICE

Chapter I-Post Office Department PART 33-METERED STAMPS

Record Retention Periods for Postage Meter Manufacturers

In Federal Register Document 59-5995, appearing at page 5794 of the issue for Tuesday, July 21, 1959, the amendment numbered "2" to subparagraph (2) of paragraph (e) of § 33.8 Manufacture and distribution of postage meters, should read for the purpose of clarification as follows:

(2) Amend subdivision (x) to read as follows:

(x) Maintain a permanent record by serial number of all meter keys issued to postmasters as well as those sections of the manufacturer's establishment in which their use is essential, preferably in the form of signed receipt cards.

Note: The corresponding Postal Manual section is 143.852j.

(R.S. 161, as amended, 396, as amended; sec. 5, 41 Stat. 583, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 273)

HERBERT B. WARBURTON, [SEAL] General Counsel.

8:46 a.m.1

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency SUBCHAPTER A-PROCEDURAL REGULATIONS PART 414—FEES FOR COPYING, CERTIFICATION AND SEARCH OF **RECORDS**

Revision of Part

Acting in accordance with section 3 of the Administrative Procedure Act, section 501 of the Independent Offices Appropriation Act of 1952 and Bureau of the Budget Circular No. A-28 and pursuant to authority delegated to me by the Administrator (24 F.R. 1221), I hereby revise Part 414 (14 CFR Part 414) to read as follows:

Sec.

414.1 General.

Copying and search of records. 414.2

414.3 Certifications or validations and affix-

ing seal.

Acceptable remittance.

AUTHORITY: §§ 414.1 to 414.4 issued under sec. 501, 65 Stat. 290, 5 U.S.C. 140.

§ 414.1 General.

Fees for services performed by the Federal Aviation Agency shall be imposed and collected in accordance with the schedules prescribed in this part.

§ 414.2 Copying and search of records.

(a) For the search of records and the furnishing of facsimile copies of documents not more than 12" x 18" photostatic or similar process the following fees are charged:

Pe	r page
Aircraft and airman records	\$0.50
Operations Specifications	1.00
Air carrier safety records	1.00
Report of Medical Examinations	1.00
Other documents	1.00

(b) For the search of records and the furnishing of duplicate original documents the following fees are charged:

Airman certificatesCertificate of Registration (Aircraft,	\$2.00
FAA-500.1)Letter authorizing issuance of Air-	1.00
worthiness Certificate	1.00
Medical Certificate	2.00
Report of Written Examination (Air-	
man), Form FAA-578A	1.00
Notice of Disapproval of Application	
(Airman), Form FAA-666	
Other documents	1.00

§ 414.3 Certifications or validations and affixing seal.

The charge for each certification or validation with a seal is \$.50.

§ 414.4 Acceptable remittance.

Checks, drafts or postal money orders made payable to the Federal Aviation Agency are acceptable as payment for the fees listed in this part.

This amendment shall be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., July 23, 1959.

ARVIN O. BASNIGHT, Acting Assistant Administrator for Management Services.

[F.R. Doc. 59-6202; Filed, July 28, 1959; 8:45 a.m.1

SUBCHAPTER E-AIR NAVIGATION REGULATIONS

[Reg. Docket 71; Amdt. 128]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. The Administrator finds that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in \$609,100(a) are amended to read in part:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet M&L. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for on route operation in the particular area or as set forth below.

	Transition			Ceiling	g and visibili	ty minimum	15
From— To— Blythe VOR		Course and	Minimum		2-engine	or less	More than 2-engine,
From—	То—	distance	altitude (feet)	Condition	65 knots or less	More than 65 knots	
Blythe VOR	BLH-LFR	Direct	3100	T-d T-n C-dn A-dn	500-1 800-2 1100-2 1100-2	500-1 800-2 1100-2 1100-2	500-1 800-2 1100-2 1100-2

Procedure turn W side S crs, 165° outbnd, 345° inbnd, 2000' within 10 ml.—
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 266°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, make 180 left turn, climb to 5000 on S crs within 20 mi of LFR.
OAUTION: 1160' m.s.l. terrain 2 mi WNW of airport and rising rapidly to 3100'.
NOTE: Provisions for reduction in visibility minimums NA.

City, Blythe; State, Calif.; Airport Name, Municipal; Elev., 397'; Fac. Class, SBMRAZ; Ident., BLH; Procedure No. 1, Amdt. 5; Eff. Date, 22 Aug 59; Sup. Amdt. No. 4; Dated, 12 Feb. 55

Stockton VOR	SCK-LFR	Direct	1500	T-dn*		300-1	300-1
=				C-dn		600-1	600-134
*				A-dn	800-2	800-2	800-2

Procedure turn E side S ers, 147° Outbnd, 327° Inbnd, 1500′ within 10 miles..
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 285—2.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles, climb to 2000′ on West crs within 15 miles.
NOTE: ADF procedure not authorized.
CAUTION: 340′ MSL Radio Mast 1.5 miles N of airport.
*400-3 required for takeoff on Runway 34.

City, Stockton; State, Calif.; Airport Name, Stockton; Elev., 28'; Fac. Class, BMRLZ; Ident., SCK; Procedure No. 1, Amdt. 6; Eff. Date, 27 Aug. 59; Sup. Amdt. No. 5; Dated, 21 Dec. 57

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

	Transition			Celling	g and visibili	ty minimum	S
_		Course and	Minimum		2-engin	e or less	More than
From—	То—	distance	altitude (feet)	Condition	65 knots or less	More than 65 knots	2-engine, more than 65 knots
ORD-VOR OBK-VOR NBU-LFR MDW-LOM Morton Int Spring Lake Int. Elgin Int. Crystal Int.	LOM	Direct	2500 2500 2500	T-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-16 500-152 400-1 800-2

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 mi from LOM. Refer to radar procedures for O'Hare if sector altitude information is desired.

Procedure turn West side of NW crs, 318° Outbnd, 138° Inbnd, 2500' within 10 mi.

Minimum altitude over LOM on final approach crs, 2000'.

Crs and distance, facility to airport, 138°—5.7 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, make immediate left turn, climb to 2500' or higher altitude specified by ATC and proceed to Northbrook VOR via ORD R-030 and OBK R-135 or, if directed by ATC, (1) make immediate left turn, climb to 3500', proceed to Morton Int via ORD R-075; (2) make immediate left turn, climb to 2500', proceed to NBU LFR via 030° crs and SE crs NBU LFR.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l.; Elev., 666'; Fac. Class, LOM; Ident., OH; Procedure No. 2, Amdt. Orig; Eff. Date, 22 Aug. 59 or Com. of fac.

RULES AND REGULATIONS

ADF STANDARD INSTRUMENT APPROACH PROCEDURE-Continued

Transition			Ceiling	and visibili	ty minimum	s	
From-	То—	Course and distance	Minimum altitude (feet)	Condition	2-engin 65 knots or less	,	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTÎVE 17 JUNE 1959. SJT-VOR RECOMMISSIONED.

City, San Angelo; State, Tex.; Airport Name, Mathis; Elev., 1915'; Fac. Class, MH; Ident., SJT; Procedure No. Temporary ADF, Amdt. 1; Eff. Date, 15 May 59

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

<u> </u>	Transition			Celling	g and visibili	ty minimum	s
From— To		[®] Course and distance	Minimum altitude (feet)	Condition	2-engin 65 knots or less	or less More than 65 knots	More than 2-engine, more than 65 knots
		·		T-d T-n C-d C-n S-dn-34 A-dn*	300-1 1000-3 1000-1 1000-3 800-1 1200-3	NA NA NA NA NA	NA NA NA NA NA

Procedure turn W side ers, 180° Outbind, 360° Inbind, 8000' within 10 miles. Beyond 10 miles NA.

Minimum altitude over facility on final approach ers, 6000'.

Crs and distance, facility to airport, 346—3.6.

It visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, climb to 9000' on R-007 within 20 miles.

CAUTION: Terrain 3 miles WNW, 1000' above airport.

NOTE: Weather observation 0530—2030 only—no field attendant 2030—0530.

*Use as alternate 2030—0530 NA.

City, Milford; State, Utah; Airport Name, FAA Site 45; Elev., 5040'; Fac. Class, VORTACW; Ident., MLF; Procedure No. 1, Amdt. 3; Eff. Date, 22 Aug 59; Sup. Amdt. No. 2; Dated, 25 June 55

Linden VORStockton LFR	Stockton VORStockton VOR	Direct	T-dn* C-dn S-dn-29	600-2 600-1	300-1 600-2 600-1	300-1 600-2 600-1 ¹ / ₂
			A-dn	800-2	- 800-2	800-2

Procedure turn South side of ers, 123° Outbnd, 303° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach ers, 800′.
Ors and distance, facility to airport, 303°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles, make left climbing turn to ers of 270° to intercept the 290° radial of Stockton VOR, climbing to 2000′ within 15 mi.
OAUTION: 340′ MSL radio tower 1.5 mi. North of airport.
*400-3 required for takeoff on Rwy 34.

City, Stockton; State, Calif.; Airport Name, Stockton; Elev., 28'; Fac. Class, VORTAC; Ident., SCK; Procedure No. 1, Amdt. Orig.; Eff. Date, 27 Aug. 59

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

	Transition			C eiling	and visibili	ty minimum	s
	·	Course and	Minimum		2-engine	or less	More than 2-engine,
From-	То—	Course and distance	altitude (feet)	Condition	65 knots or less	More than 65 knots	more than
ORD-VOR. OBK-VOR NBU-LFR MDW-LOM Morton Int Spring Lake Int Elgin Int. Crystal Int	LOM LOM LOM LOM LOM LOM LOM LOM LOM	Direct	2500 2500 2500 2500 2500 2500 2500 2500	T-dn C-dn S-dn-14L A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-1/2 500-1/2 400-1 800-2

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 ml from LOM. Refer to radar procedures for O'Hare if sector altitude information is desired.

Procedure turn West side of NW crs, 318° Outbud, 138° Inbud, 2500' within 10 mi.

No Gilde Slope. No Middle Marker.

Minimum altitude over LOM on final approach crs, 2500'.

Crs and distance, LOM to airport, 138°—5.7 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 mi after passing LOM, make immediate left turn, climb to 2500' or higher altitude specified by ATC and proceed to Northbrook VOR via ORD R-030 and OBK R-135 or, when directed by ATC, (1) make immediate left turn, climb to 3500', proceed to Morton Int via ORD R-075; (2) make immediate left turn, climb to 2500', proceed to NBU LFR via 030° crs and SE crs NBU LFR.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l.; Elev., 666'; Fac. Class, TLS; Ident, I-OHA; Procedure No. ILS-14L, Amdt. Orig.; Eff. Date, 22 Aug. 59 or com. of fac.

ILS STANDARD INSTRUMENT APPROACH PROCEDURE-Continued

Transition Course and Minimum			Ceiling	and visibili	ty minimum	ıs	
From—	To→	Course and distance	Minimum altitude (feet)	Condition	2-engine 65 knots or less		More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE 22 AUGUST 1959. BACK COURSE UNUSABLE.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816'; Fac. Class, ILS; Ident., CMH; Procedure No. ILS-9, Amdt., 3; Eff. Date, 14 June 58; Sup. Amdt., No. 2; Dated, 30 July 55

Takeoff minimums of 300-1 authorized for Runways 8-26 only.

Procedure turn 8 side W crs, 259° Outhod, 679° Inbnd, 2700′ within 10 miles.

Procedure turn 8 side W crs, 259° Outhod, 679° Inbnd, 2700′ within 10 miles.

Minimum altitude over LOM 2700′. No Glide Slope. Distance to apprend of rny at OM 7.1, at MM 1.8.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ on 679° crs from LOM within 15 miles.

Are Carrier Norres: Landing on Ruwy 2 authorized only during daylight hrs with ceiling 1500′ or better.

Nore: ADF approach not authorized.

Nore: ADF approach not authorized.

Caution: Circling minimums do not provide standard clearance over 1136′ ridge and tower 1.6 mi S of airport.

Caution: Nonstandard instrument landing system. Approaches not authorized with any commissioned component inoperative.

City, Harrisburg; State, Pa.; Airport Name, State; Elev., 347'; Fac. Class, ILS; Ident, Har; Procedure No. 1, Amdt. 4; Eff. Date. 22 Aug. 59; Sup. Amdt. No. 3; Dated, 7 Dec. 58

5. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discortinue the approach, except when the radar controller may direct otherwise prior to final approach, as missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

	Transition				and visibili	ty minimum	ıs
From—		Course and	Minimum		2-engin	e or less	More than 2-engine,
	То—	distance	altitude (feet)	Condition	65 knots or less	ots More than 65 knots	more than 65 knots
All directions	Radar Site (Excludes Restricted Area R-64).	Within 25-mi	2500		Surveilla		
٥	10-03).			T-dn C-dn-1, 6 C-dn-11, 19,*	700-1 600-1	700-1 600-1	700-114 600-114
		,	-	24, 29. S-dn-1, 6 S-dn-11, 19* S-dn-24 S-dn-29 A-dn	700-1 600-1 500-1 400-1 800-2	700-1 600-1 500-1 400-1 800-2	700-114 600-114 500-1 400-1 800-2

Radar control must provide 1000' clearance when within 3 miles or 500' clearance when within 3-5 mi of towers 1590' MSL 12 mi NNW; 1060' MSL 4 mi NNW and 1110' MSL 6 mi S of airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:

Ranway 1: Turn left as soon as practical, climbing to 2600' on R-309 of LQU-VOR within 20 miles.

Runway 6: Right turn, climbing to 2100' and proceed to LQU VOR.

Runway 11: Climb to 2100' direct to LQU VOR.

Runway 19: Climb to 2100' direct to LQU VOR.

Runways 19: Climb to 2100' direct to SDF RBn (LOM).

Runways 24 and 29: Left turn, climbing to 2100' and proceed to SDF RBn (LOM).

On approaches to Runway 19, maintain at least 1400' MSL until within 3 mi of runway.

City, Louisville; State, Ky.; Airport Name, Standiford; Elev., 497'; Fac. Class, Louisville; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 22 Aug. 59; Sup. Amdt. No. Orig.; Dated, 1 July 59

These procedures shall become effective on the dates indicated on the procedures. (Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 17, 1959.

B. PUTNAM, Acting Director, Bureau of Flight Standards.

[F.R. Doc. 59-6084; Filed, July 28, 1959; 8:45 a.m.]

No. 147----3

Fitle 15—COMMERCE AND

Chapter III—Bureau of Foreign Commerce, Department of Commerce SUBCHAPTER B-EXPORT REGULATIONS [9th Gen. Rev. of Export Regs., Amdt. P.L. 13 1]

MODITIES AND RELATED MAT-PART 399—POSITIVE LIST OF COM-

Miscellaneous. Amendments

Section 399.1 Appendix A—Positive List of Commodities is amended in the following particulars:

1. The following commodities are deleted from the Positive List:

Commodity de Commodity de Commodity de Commodity de Constant de Co	Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:	Dept. of Froessing Vali-	Doub Commodify description Unit related dollar School Ulo group Ilmits	20630 Pne	20656 Afr 50150 Gar	50590 E	nd amplify- fabricated
I O I DATE UNCHUR OF STATE	Schedule B number Commodity Association	Dept. of Com-	id track accessories (all Schod-Bio BNo.	Pr. 20630	20656 50150		,

This part of the amendment shall be-come effective as of July 2, 1959. 2. The following commodities, are added to the Positive List:

ther ferroalloys: Ferroboron (Report quantity in pounds, net weight, and specify pounds or percent of alloy content.) Fetronic equipment, n.e.,, and parts: Electronic detection and aveigational apparatus, n.e., and specially fabricated parts and acces.
sories, n.e.o.: Other electronic navigational and location finding aids, n.e.o., and specially fabricated parts and
accessories, n.e.c. Radio distance measuring systems, n.e.c., and hyperbolic grid systems, n.e.c., and specially
fabricated parts and accessories, n.e.c. Synthetic resin film and sheeting, except laminated, and except scrap (including printed, embossed,
pransited to the type of the control of less in thick- press.

¹ On or after Aug. 17, 1959, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering exports of this commodity to the countries specified in § 373.2.

This part of the amendment shall become effective as of July 9, 1959, except as otherwise indicated in the footnote.

3. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a

¹This amendment was published in Current Export Bulletin 817, dated July 2, 1959.

See footnotes at end of table.

Com- modity lists	网	田女	∢		岡	臼	₽	戶	₹		∢	∢	
								4					
Vall- dated llcense re- quired	<u>8</u>	200 200 200 200 200 200 200 200 200 200	0g	B0	100	B0	8 1	, RO	30 180	ri H	Og	021 120	려.
GLV dollar value limits	92 2	22	22		100		100	100	200	200	100	100	98
Processing code and related commodity group	BR 2	BR 2	FR 1)L 1	NONF 10	NONF 10	۲۲ 1 ۲	4L 1	TE 1	Œ 2	8 3 ·	TE 3	ELME 2
Proc cod com com	RUBR	RUBR	PETR	TOOL	NO.	ÖN	MINI	MINL	ELME	ELME	ELME	BLME	ELA
Unit	No.	No. Bbi.	Gal.	Carat	Ľb.	Ľĵ	Lb.	Ľb.			, Š	Vo.	
Commodity description	Pneumatic tires and the easings: Alread tires, now or used. (Specify size and ply	Alreads more tubes, new or used 2. Gasoline blending agents as follows: alkylates (aviation	Friends: Superintale; and neoussime (DD), of 42 gal.); By drantile or automatic transmission fluids, potroleum based, having all the following characteristics; (a) kin- most, relevant to the constitute of the	dimens resolved or to centralized of Fig. (c) pour point of minus 30° F. or lower; and (c) Viscosity index (VI) of 130 or higher; 10 ower; and (c) Viscosity index (VI) of 130 or higher; 10 ower; and (c) Viscosity index; 10 ower; and (c) Viscosity of the point of th	typo in 91500.) * Copper castings and forgings, rough and semifinished.	Copper-lyse alloy eastings and forgings, rough and semi-	Dilumblum or nicbium metals and alloys in crudo forms and scrap (include metal alloys in which columbium is the metal of chief value). (Report, slag in	Magnesium alloys in crude forms and scrap, containing of 4 percent or more streonium, or 1 percent or more of rate earth metals (cerlum misch metal), ¹³ Generators, n.e.g., and parts. (Report aircraft, automobile, bus, truck, tractor, and industrial engine generators in 1992, and 1992, generators for electric	propulsion motors in 1933); Parts and accessories, n.e.c., specially fabricated for mobile generators, 5,000 kiloyoptts and over. (Speci-	Parts and accessories, no.0, specially fabricated for generators 20,000 kilowatts and over. (Specify by	Other signal generators specially designed for testing or calibrating the arthorne direction finding equipment, althorne navigational apparatus. Ilight instruments, and airborne, ground, and marine radar equipment included on the Pestite Lists under Schedule B Nos. 70797, 70897, and 79483. (Specify by name and model	number.) (2) 16 Other electrical and electronic characteristics testing instruments specially designed for testing or calibrating the althorne direction finding equipment, althorne navigational appearatus, ilight instruments, and airborne, ground, and marine radar equipment included on the Pestifue List under Schedulo B Nos. 70797, 70897, and 79483. (Specily by name and model	number.) (9) 16 Parts and accessories, n.e.o., specially fabricated for motors included on the Positive List under Schedule B Nos. 74615, 74625, and 70430. (Specify by name and horsepower rathig.) 1
Dept. of Com- merce Sched- ule B No.	20630	20656 50150	50590	54124	64290	64793	66435	66445	70015	70015	70372	70379	70432

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	Com- modity lists					4			₹	A IB			4	∀					⋖ .	A E				
Vall-	dated license re- quired	RO	RO	ВO		RO	ВО		13.0	RO			RO	RO					80 80	RO			_	
	GLV dollar value limits	100	100	100		200	200		100	100			100	100					8	100				1
Processing	code and related commodity group	CONS 6	cons 6	cons 6		CONS 1	CONS 2	•	GIEQ 11	GIEQ 11			GIEQ 11	GIEG 11					GIEQ 11	GIEQ 11				
	Unit					1			No.	No.		,	No.	o N				·	Š	No.				
	Commodity description	Geophysical and mineral prespecting equipment, n.e.e., and specially fabricated parts, and accessories, Gravity meters (specify by name), and specially fabri-	cated parts and accessories, n.c. (2) and soluting observatory type) (specify by name), and specially servatory type) (specify by name), and specially	fabricated parts and accessories, n.e.c. (3) 2 Woll-logging instruments and equipment (specify by mano), and specially fabricated parts and accessories n.e. (4)	Heat exchangers (evert refrigeration type), and steam specialty heaters, and specially fabricated parts and	Bollects of the conordate states, and economizers for marine steam bollers deskined to operate at temperatures of 1,100° F, and above; and specially	fabricated parts and accessories, n.e.c. (1) 1 Boller superheaters, feedwater neaters and economizers, for marine steam bollers designed to operate at temperatures from 860° to 1,100° F1; and specially	labricated parts and accessories, n.e.c. (2) ¹ Pipe valves and parts Pipe valves, fron or steel, except automatic control or	regulating: Valves and cocks fitted with bollows seal, and lined with aluminum, nickel, or alloy containing 60	Other valves, cocks, or pressure regulators, n.e.c., other valves, cocks, or pressure regulators, n.e.c., 130° O or inconnorating any of the followers man	terlals: (a) 90 percent or more tentalum, titanium, or articontum, either separately or combined; (b) 50 percent or more cohalt or molybonum, either separately	parately or combined; (c) polytetrafluoroethylero to polytrifluorochloroethylene. (Give full speci- fications.) (2) 21	Pipo valves, brass, bronze or other nonferrous metals, evcept autómatic control or regulating: Valves and cooks fitted with bellows seal, and wholly	made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel. (1) ¹ Other valves, cocks, or pressure regulators, n.c.,	deskned to operate at temperatures below minus 130° C., or incorporating any of the following materials: (a) 90 percent or more tentalsum, titanium or zircontum, either soparatoly or combined; (b) 50	percent or more cobalt or molybdenum, either separately or combined; (e) polytetrafinorochylono or polytetrafinorochylono proprietrations. (Give full specifications) (2) 23	Automatic control or regulating pipe valves, n.e.c., (any pipe yalve having a mechanism partially integral,	i.e., arrectly actached by adaptors and bolts, or wholl threeful, for automatically regulating or controlling its operation);	Automatic control valves, fitted with bellows seal, wholly made of or linded with aluminum, nickel or allow containing to nearons or more nickel.	Automatic control valves or pressure regulators, n.o.e., designed to operate at temperatures below	minus 130° C., or incorporating any of the following material; (a) 90 percent or more tantalum, titanium or zirconium, eltiper separately or combined; (b) 50	percent or more cobalt or molybdonum, either separately or combined; (c) polytetralluorochlylene or polytetralluorochlorochlylene or polytetralluorochlorochlylene. (Give full speelforthylene) (2) 21		
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Valt-	code and GLV dated related dollar license commodity value regroup limits quired	3.2 500		, 000 2 a Maa	destinations only. (Specify by name, hospower, and type of mill.)	crystal diodes and transistors, capacitors (condenses), restors, indicators (transformers and codis), in 70824-70830; nicrophones, 70836; ampiliars, 70876,	RARA 2 100	and specially labrated parts and accessories, n.o.c. (7) 12 Excayator-typo power cranes and shovels, new (specify	o. GONS 4 None	CONS 4 None	(Specify type and capacity.) (2) 4 Scrapers, directry-hant type. (Specify whether mill- tary or non-military):	o. CONS 4 None R	TOOL 1 100 RO	100L 100 RO	cration results in continuous correction of control commands. (See § 399.2, Interpretation 20.) (1) ³ Industrial process indicating (measuring), recording, and/or controlling instruments, n.e.c., and specially	GIEQ 100 RO	GIEQ 100	00 100	GIEO		troule tubes or transistors (specify by name); and specially fabricated parts and accessories, n.o.c. [Roport electronic industrial process control systems	Physical properties testing and inspecting machines, n.e.e., including products testing machines, n.e.e., and specially fabricated parts and necessories, n.e.e.	T00L 1 100 RO	

diametral pitch intertation 19.) (4) 13 See foetnotes at end of table,

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GLV dollar value limits	100	100	;	9 Ş	2 P	100		<u>8</u>	8	901	81	99 	<u>s</u>	99	None	Мопе	None	None
Processing code and related commodity group	GIEQ 17	GIEQ 17	,	GIEQ 8	GIEQS	GIEQ 8		GIEQ 13	GIEQ 13	GIEQ 13	GIEQ 13	GIEQ 13	GIEQ 13	GIEQ 13	TRAN 2	TRAN 2	TRAN 3	TRAN2
Unit	-					ì	_ ,	No.	No.	No.		1 2 2 2 1	1		No.	No.	No.	No.
Commodity description	Separators and collectors, industrial process type, n.e.c., and specially labricated parts and accessories, n.e.c. (Report ore and coni separating machines in 73076; electrostatic precipitators, precipitron type, in 77083):	alpourer, contacts at masses on an annument, meaning alpourer, contacts almasses of material and, if specify alloy, at the contact alloy, state percentage of nickel content, (Report alloy, state percentage of nickel content,) (Report tube or flast kypes in 1980,) (3) 23. Centrifure how's, wholly made of or lined with alumi-	num, nickel, or alloy containing 60 percent or more nickel, (Specify by name.) (Specify kind of metal and, it nickel alloy; state percentage of nickel content, (4) ?3	Oyclono separators designed to operate at temperatures of 800° F. or over, and specially fabricated parts and accessories, n.e.o. (6) 23	Dowaxing chillers, and specially fabricated parts and accessories, n.c., (6) 3 of a consoling and me sonometers, and specially fabricated parts	and accessories, n.e.e. (8) 13 Other spontors and collectors, n.e.e, specially designed for use in the following unit operations: (a) solvent processing; (b) fractionating, rectifying and de-	phisgrantizing, to hydrogenator; (u) denydrogenation; (g) somertation; (f) phymertation; (f) aromatisation; (h) aklyhaton; (f) denymertation; (f) thermal or extalytic eracking, reforming or platicity, and specially finite	Presses, power-driven. (Report specially fabri- cated prad accessories, n.e.c. in 7789): Dehydration presses, double opposed hydraulic ram	type. (1) 2 3 Excrusion presses, hydraulic ram and closure type.	(2) ²³ Other presses, power-driven, n.o.c., specially designed for the production of military explosives. (3) ²³ Industrial manufacturing and service-industries mechanism, n.o.c., and specially fabricated parts and ac-	cessories, n.e.e., for the production of military explosives (speelly by name); and specially labricated processing equipment for the production of explosives in 77255, and processing vessels in 77355,	(4) 23 Powder cutting machines with feed rolls geared to rotating cutter blades, and specially fabricated parts	and accessories, n.e.o. (11) * Sweetle are and Sweetle breveste are several branchs revolving type, 5 feet or more in maximum diameter, and specially fabricated parts and	Parts and accessories, n.e.c., specially fabricated for presses listed on the Positive List under Schedule B No. 77596. (18)	OlvII aircraft (commercial and civilian) 3,000 lbs. and over empty weight, n.o.c Passenger transports, civil, now, 3,000, under 15,000 lbs, empty weight, (Specify type, model, and name	of manufacturer.) 6 Passenger transports, civil, new, 15,000, under 30,000 Ibs. empty weight. (Speedty type, medal, and name	of manufacturer.) of Passonger transports, oirl, now, 90,000 lbs, and over empty weight, of types and models which have been	In normal eitht lass for two years or tess, (spectry type, models, and name of manufacturer.) (1) * Other presenger transports, civil, new, 30,000 lbs, and over empty weight. (Specify type, model, and name of manufacturer.) (2) *
Dept. of Com- Berco Schod- ule B No.	77588	77.68		77688	77588	77688		77598	77598	77696	77599	77699	27599	. 77599	79361	79363	79305	79365
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ssing GLV dated and dollar license to-duly value to-duly limits quired	40. GIEQ 11 100 RO A	GFEO 11 1/0 RO	1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	- GIEQ 100 RO			GIEQ 19 100 RO	GIEQ 100 RO	- GIEQ 21 100 RO	GIEQ 8 . 100		GIEQ 19 100 RO	GIEG 8 100	•	-	GIEQ 21 100 RO	Q 100 RO	0 13 100
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GL,V dollor value limits	200	200	200		\$	<u> </u>	52	868	\$ 372.5(f	de comino	apter.)	e B num	vill be rec	iments o	August	nse for	Appendix ons is am	; interpr Military	tive	tes ex	ry spec	two cuenticles	tre prin h or w
Processine code and related commodity group	TRAN 3	TRAN 2	TRAN 3	,		TKAN 2	SALT 1	OONS 6	changed (see	a support of a ils chapter. cating that th	376 of this ch	this Schedul	rt Llcense) v	oter. (Instru-	carrier on or before August 3, 1959	quires a validated license for export.	4. Section 399.2 Appendix B—Commodity interpretations is amended	owing 21:	, automotive	ä	autoning venicies, possessing of current military specifications dif- naterially from normal commercial	specifications" fall into two categories: Military automotive vehicles on the Muni- tions List, new and used, Automotive ve-	hicles in this category are primarily combat (fighting) vehicles with or without armor
Unit			1				Lb.	44	umber is Cists," ii	quired b 73.2 of th ts," indi-	ee Part go.	st under	ng Impo nt syster	this char to this r	o do	a valic	inter		hicles.	se of	ourre materi	ations" ary autist, ne	n this ig) vel
Commodity description	Aircraft landing gear, and specially fabricated parts and accessories, n.e.c.: Aircraft landing rear assemblies specially fabricated for types and models of aircraft of 9000 list, and contractions and control of the standish than in normal of the second	use for two years of test II Aircraft landing gear assemblies for other civil aircraft, and specially fabricated parts and accessories,	Parts and accessories (except engine and propoller parts and accessories), n.o.c., specially fabricated for alreadi. The following parts and accessories specially fabricated for any and accessories specially fabricated for any and models of character of 60 food has	cated for types and mouets to an arrant or wyoor lost and over empty weight which have been in normal civil use for two years or loss; (a) furelaxes or hulls; (b) wings, wing panels and weetlons; and (c) rudders and fins. 4 if	Parts and accessories (except engine and propoller parts and accessories), n.e.c., specially fabricated for alreaft.	Other parts and accessories, n.e.c., specially fabricated for aircraft. ¹⁷ Metal saits of organic compounds, except paint and	varuish driers: Lithium salts of organic compounds. (Specify by name.) (5) 1	Explosives and blasting agents, n.e.c.: Jot perforators. (1) 1	1 The GLV dollar-value limit is increased. 2 The GLV dollar-value limit is decreased, effective July 9, 1959. 3 The Drossing code is changed or related commodity group number is changed (see § 372.5(f) of this chapter, 4 The scene) "As is added in the column headed "Commodity Lists," indicating that on and after August 17, 4 The scene of the control in the column headed "Commodity Lists," indicating that on and after August 17,	port Certificate (or a Hong Kong Import License) will be re attion of these commodities to the countries speelfed in § 3 mbol "F", is added in the column headed "Commodity Lis	under the Periodic Requirements Licensing procedure. (Sommodity description is revised without substantive chan	commodity coverage is decreased. Commodity coverage is increased, effective July 9, 1959. Anti-les no substituted for one presently on the Positive Lie	after August 17, 1959 an Import Certificate (or a Hong Ko o application covering exports of integrated flight instrume	ts, of types and models which have been in normal ervinuse, accessories therefor, to the countries specified in § 373.2 of a coersoried dull use two wars or loss are presently subject.	This nart of the amendment shall be- carrier			ಹ	tions as a result of changes set forth in vehicles parts 2 and 3 above which were on dock (1) M			port prior to 12:01 a.m., July 9, 1939, specific may be exported under the previous $_{Millt}$ general license provisions up to and in- $_{tions\ L}$	
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ing GLV dated Com- d dollar license modity lity value re- limits quired	io, TRAN2 None RO	o. TRAN3 None RO	o. TRAN 2 None RO	o. TRAN 2 None RO	2 None RO	2 None RO	Vo. TRAN 2 None RO	Vo. TRAN 3 None RO	No. TRAN 2 None RO E		Vo. TRAN 2 None RO E	TRAN 2 None RO E	Vo. TRAN 2 None RO E	Vo. TRAN 2 None RO E	Vo. TRAN 2 None RO E	Vo. TRAN 3 None RO AE	Vo. TRAN 2 None RO E	o. TRAN 3 None RO A E	6 CP	10. TRAN 2 None RO E	SATE 1 100 RO A E	SATE 2 100 RO A E	•
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and/or armament, "designed for specific fighting function." These automotive vehicles are licensed by the State Department. See list with descriptions, Category VI, § 370.4 of this chapter.

Military automotive vehicles not on the Munitions List, new and used. Automotive vehicles in this category are primarily transport vehicles designed for non-combat military purposes (transporting cargo, personnel and/or equipment and for towing other vehicles and equipment over land and roads in close support of fighting vehicles and troops). These automotive vehicles are licensed by the Department of Commerce. United States military transport automotive vehicles currently in use are built on one of six basic truck chassis groups, classified

of six basic truck chassis glodys, classificates as follows:

Truck, Utility, ¼-ton, 4 x 4, M38 Series.

Truck, Cargo, ¾-ton, 4 x 4, M37 Series.

Chassis, Truck, 2½-ton, 6 x 6, M44 Series,
Chassis, Truck, 2½-ton, 6 x 6, M133 Series,
Chassis, Truck, 5-ton, 6 x 6, M39 Series,
Chassis, Truck, 10-ton, 6 x 6, M121 Series.

United States military transport automotive vehicles in each of the above chassis groups may have a variety of chassis lengths and body types or styles and still meet the Positive List definition.

(2) Parts for military automotive vehicles. Only functional parts specifically fabricated for the six basic truck chassis groups of military automotive vehicles described in subparagraph (1) above are on the Positive List.

Functional parts are defined as those parts making up the power train of the vehicles including the electrical system, the cooling system, the fuel system and the control system (brake and steering mechanism), the front and rear axle assemblies including the wheels, the chassis frame, springs and shock absorbers.

Parts specifically fabricated for military automotive vehicles on the Munitions List are licensed for export by the State Depart-

(3) General instructions. Manufacturers of non-Munitions List automotive vehicles and/or parts will know whether their prod-ucts meet the conditions described above. Merchant exporters and other parties who are not sure whether their products (automotive vehicles and/or parts) meet these conditions should check with their suppliers for the required information before making a shipment under the general license or submitting an application to the Bureau of Foreign Commerce for an export license.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023, E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

> LORING K. MACY, Director. Bureau of Foreign Commerce.

[F.R. Doc. 59-6189; Filed, July 28, 1959; 8:45 a.m.1

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7457 c.o.]

PART 13-DIGEST OF CEASE AND **DESIST ORDERS**

Hacker, Siamon & Elfenbein, Inc., et al.

Subpart-Invoicing products falsely: § 13.1108 Invoicing products falsely: Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 For-

mal regulatory and statutory requirements: Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Hacker, Siamon & Elfenbein, Inc., et al., New York, N.Y., Docket 7457, July 3, 1959]

In the Matter of Hacker, Siamon & Elfenbein, Inc., a Corporation, and Sidney Siamon, Nathan Hacker, and William Elfenbein, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City furrier with violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements.

After acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 3 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Hacker, Siamon & Elfenbein, Inc., a corporation, and its officers, and Sidney Siamon, Nathan Hacker, and William Elfenbein, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, in commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce, of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

- 1. Misbranding fur products by:
- A. Failing to affix labels to fur products showing:
- (1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations:
- (2) That the fur product contains or is composed of used fur, when such is the fact;
- (3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the
- (4) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;
- (5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction

into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce:

(6) The name of the country of origin of any imported furs contained in a fur

product.

B. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations:

(2) That the fur product contains or is composed of used fur, when such is the

fact:

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is

the fact:

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product:

(7) The item number or mark assigned ' to a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 11, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH. Secretary.

[F.R. Doc. 59-6205; Filed, July 28, 1959; 8:45 a.m.]

[Docket 7366 c.o.]

PART 13-DIGEST OF CEASE AND DESIST ORDERS

Premier Knitting Co., Inc., et al.

Subpart—Advertising falsely or mis-leadingly: § 13.170 Qualities or properties of product or service. Subpart-Furnishing mean's and instrumentalities of misrepresentation or deception: § 13.1056 Preticketing merchandise misleadingly. Subpart—Misbranding or mislabeling: § 13.1290 Qualities or properties.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Premier

Knitting Co., Inc. (New York, N.Y.), et al., Docket 7366, July 4, 1959]

In the Matter of Premier Knitting Co., Inc., a Corporation, and Arnold A. Saltzman, Sanford Forster, and Irving Saltzman, Individually and as Officers of Said Corporation, and Universal Dye Works, Incorporated, a Corporation, and Joseph B. Schmitz, Fred C. Oshell, Catherine C. Conver, and Lily M. Schmitz, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Philadelphia garment finisher and dyer and a distributor in New York City with advertising falsely that orlon products treated with "UT-Formula" would not pill or fuzz up in balls.

Respondent garment finisher entered into an agreement containing a consent order. On that basis, the hearing examiner made his initial decision and order to cease and desist which became on July 4 the decision of the Commission. The matter is still pending as to the distributor respondent.

The order to cease and desist is as follows:

It is ordered, That respondents Universal Dye Works, Incorporated, a corporation, and its officers and Joseph Schmitz, Jr., individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their UT-Formula, or any other preparation possessing substantially the same properties, in commerce, as "commerce" is defined in the Federal Trade Commission Act, or in connection with Orlon sweaters or other Orlon products which have been finished by their UT-Formula, or by any other preparation or formula possessing substantially the same properties, which products are offered for sale. sold and distributed in said commerce, do forthwith cease and desist from:

- 1. Representing, directly or by implication, that Orlon sweaters or other Orlon products treated with their UT-Formula will not pill;
- 2. Furnishing means and instrumentalities, or putting into operation any plan, which may induce others to represent that Orlon products treated with UT-Formula, will not pill.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to Fred C. Oshell, Catherine C. Conver, and Lily M. Schmitz, individually and as officers of said corporation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Universal Dye Works, Incorporated, a corporation, and Joseph Schmitz, Jr., erroneously named in the complaint as Joseph B. Schmitz, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commis-

sion a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 9, 1959. By the Commission.

[SEAL] R

ROBERT M. PARRISH, Secretary.

[F.R. Doc. 59-6206; Filed, July 28, 1959; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX-PUBLIC LAND ORDERS

[Public Land Order 1923]

[Wyoming 031283]

WYOMING

Withdrawing Lands in National Forests for Use of Forest Service as Recreation Areas, Roadside Zones and Administrative Sites

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests designated are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor disposals under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas, roadside zones, and administrative sites, as indicated:

SIXTH PRINCIPAL MERIDIAN

TARGHEE NATIONAL FOREST

Rapid Creek Administrative Site

T. 43 N., R. 118 W. (Partly Unsurveyed), Sec. 5, SE¼NW¼, SW¼NE¼, SE¼NE¼, and N½SE¼. Totaling 200 acres.

Teton Canyon Administrative Site

T. 44 N., R. 118 W. (Unsurveyed), Sec. 22, E½SE½; Sec. 23, W½SW¾. Totaling 160 acres.

Mail Cabin Administrative Site

T. 41 N., R. 118 W. (Unsurveyed), Sec. 22, E½NE½; Sec. 23, W½NW¼. Totaling 160 acres.

Long Springs Administrative Site

T. 37 N., R. 118 W., Sec. 18, E½SW¼NE¼, and SE¼NE¼. Totaling 60 acres.

Squirrel Meadows Administrative Site

T. 47 N., R. 118 W. (Unsurveyed), Sec. 4, SE¼, and S½S½NE¼. Totaling 200 acres. Hominy Administrative Site

T. 47 N., R. 117 W., Sec. 16, W½ W½ SW¼NE¼, E½ SE¼ NW¼, and E½ W½ SE¼ NW¼. Totaling 40 acres.

Bircher (Coal Creek) Recreation Area

T. 41 N., R. 118 W. (Unsurveyed), Sec. 14, W½SW½; Sec. 15, SE¼. Totaling 240 acres.

Teton Pass Recreation Area (Observation Point)

T. 41 N., R. 118 W. (Unsurveyed), Sec. 24; W½SW¼. Totaling 80 acres.

Lower Teton Canyon Recreation Area

T. 44 N., R. 118 W. (Unsurveyed), Sec. 24, S½; Sec. 25, N½N½. Totaling 480 acres.

Trail Creek Recreation Area

T. 41 N., R. 118 W. (Unsurveyed), Sec. 5, S½SW¼; Sec. 6, SE½SE¼; Sec. 8, N½NW¼. Totaling 200 acres.

Darby Canyon Recreation Area

T. 43 N., R. 118 W. (Unsurveyed), Sec. 21, NE¼ SE¼; Sec. 22, N½ S½, and S½ N½. Totaling 360 acres.

Moose Creek Recreation Area

T. 42 N., R. 118 W. (Unsurveyed), Sec. 32, N½ NW ¼. Totaling 80 acres.

East Table Creek Recreation Area

T. 38 N., R. 116 W. (Unsurveyed), Sec. 31, NW¼, and N½N½SW¼. Totaling 200 acres.

Cottonwood Creek Recreation Area

T. 37 N., R. 118 W. (Unsurveyed), Sec. 13, SW¼NW¼, and NW¼SW¼; Sec. 14, N½SE¼, and SE½NE½. Totaling 200 acres.

Station Creek Recreation Area

T. 38 N., R. 117 W. (Unsurveyed), Sec. 35, S½SE¼. Totaling 80 acres.

Pole Creek Recreation Area

T. 38 N., R. 116 W. (Unsurveyed), Sec. 31, NE¼. Totaling 160 acres.

Elbow Recreation Area

T. 38 N., R. 116 W. (Unsurveyed), Sec. 32, NW 1/4. Totaling 160 acres.

Cabin Creek Recreation Area

T. 38 N., R. 116 W. (Unsurveyed), Sec. 17, W½SE¼, and W½E½SE¼; Sec. 20, NE¼. Totaling 280 acres.

Dog Creek Recreation Area

T. 38 N., R. 116 W. (Unsurveyed), Sec. 6, $W\frac{1}{2}SE\frac{1}{4}$, and $SE\frac{1}{4}SE\frac{1}{4}$. Totaling 120 acres.

Loon Lake Recreation Area

T. 48 N., R. 117 W., Sec. 18, S½SW¼SE¼, and S½SE¼SW¼; Sec. 19, NW¼NE¼, and NE¼NW¼. Totaling 120 acres.

Cave Falls Recreation Area

T. 48 N., R. 118 W., Sec. 9, lots 1 and 2; Sec. 10, lot 4;

Hoback Campground Recreation Area

T. 38 N., R. 115 W. (Unsurveyed),

Totaling 160 acres.

Sec. 1, SW1/4.

RULES AND REGULATIONS

Sec. 32, NE14; Sec. 33, W1/2NW1/4. Turpin Meadows Recreation Area Sec. 15, W½NW¼NW¼; Sec. 16, NE¼NE¼, and E½NW¼NE¼. Totaling 142.71 acres. T. 45 N., R. 112 W., Sec. 14, lot 1, SW4NE4SE4, S4NW4 SE4, and SW4SE4. Sec. 23, lots 1 and 2. Totaling 320 acres. Horse Heaven Meadows Administrative Site Lake of the Woods Recreation Area T. 36 N., R. 115 W. (Unsurveyed), Sec. 9, SW4SE4, and SE4SW4. Totaling 80 acres. T. 48 N., R. 116 W., Totaling 154.77 acres. Sec. 19, lots 2, 3, and 4. T. 48 N., R. 117 W., Snake River Recreation Area Sec. 23, lots 1 and 2, and SE¼SE¼; Sec. 24, lots 1, 2, 3, 4, 5, 6, 7, and 8. Totaling 525.23 acres. Lee Administrative Site T. 48 N., R. 115 W. (Unsurveyed), Sec. 21, W½SE¼, and E½SW¼. T. 41 N., R. 117 W. (Unsurveyed), Sec. 29, S½NE¼, N½SE¼, and NE¼SW¼. Totaling 200 acres. Totaling 160 acres. Teton #5X (Wyoming #22) Highway, Roadside Zone Snow King Mountain Recreation Area Lower Soda Fork Administrative Site T. 41 N., R. 116 W., Sec. 33, SE¼SE¼; Sec. 34, S½SW¼. A strip of land 200 feet on each side of the center line of Wyoming Highway #22 through the following legal subdivisions: T. 46 N., R. 111 W. (Unsurveyed), Sec. 31, SE¼NW¼. Totaling 40 acres. T. 40 N., R. 116 W. (Unsurveyed), Sec. 4, N½ NE¼, and NE¼ NW¼. Totaling 240 acres. T. 41 N., R. 118 W. (Unsurveyed), Sec. 5, NW 4SW 44, and SW 44SE 14; Sec. 6, NE 44SE 14; Monument Ridge Lookout and Pasture Administrative Site Baldy Mountain Administrative Site T. 37 N., R. 114 W. (Unsurveyed), Sec. 7, SW¼: Sec. 18, NW¼NW¼. Totaling 200 acres. Sec. 8, NE 435 44, Sec. 8, NE 14; Sec. 9, SW 14, NW 14, and S 12; Sec. 15, NW 14, and N 12 SW 14; Sec. 16, NE 14; Sec. 23, E 12, NW 14, NE 14, and N 12 SE 14. T. 44, N., R., 112 W. (Unsurveyed), Sec.-8, S½NE¼, S½NW¼, SE¼, and SW¼. Totaling 480 acres. Blackrock Addition Administrative Site Mt. Leidy Administrative Site Totaling 340 acres. T. 45 N., R. 113 W., T. 44 N., R. 114 W., Sec. 14, W½SE¼, and SE½SE¼. Totaling 120-acres. Star Valley-Yellowstone FH-6A (U.S. #89) Roadside Zone Sec. 19, lots 4, 5, 6, and 7, W1/2SE1/4, and SE¼SW¼; Sec. 30, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, A strip of land 200 feet on each side of the center line of U.S. Highway #89 through the Deer Creek Lookout Administrative Site NE%NW%; T. 42 N., R. 111 W., Sec. 8, E½SE½NE½, E½NE½SE½, and NE½SE½SE½; Sec. 9, W½SW½NW½, W½NW½SW¼, and NW½SW½SW¼. Sec. 31, NE 14 NW 1/4. following legal subdivisions: T. 45 N., R. 13 W., Sec. 24, S½SE¼, and S½SW¼; Sec. 25, lots 1, 2, 3, and 4, N½NE¼, SW¼ NE¼, and NW¼. T. 37 N., R. 118 W. (Partly Unsurveyed), T. 37 N., E. 118 W. (Partly Unsurveyed),
Sec. 13, NE¼, and SE¼NW¼;
Sec. 14, SW¼SE¼, and SE¼SW¼;
Sec. 21, lots 1, 2, 3, and 4;
Sec. 22, NE¼, SE¼NW¼, and N½SW¼;
Sec. 23, NW¼.
T. 37 N., E. 117 W. (Unsurveyed),
Sec. 1, N½N½NW¼;
Sec. 2, NW¼NW¼;
Sec. 2, NW¼NW¼;
Sec. 3, SW¼, SE¼NW¾, SE¼, and S½S½
NE¼. Totaling 1,153.12 acres. Totaling 100 acres. Bridger Lake Administrative Site Goosewing Administrative Site T. 48 N., R. 110-W. (Unsurveyed), T. 42 N., R. 112 W., T. 42 N., E. 112 V., Sec. 33; Sec. 34, W½W½. T. 41 N., R. 112 W. (Unsurveyed), Sec. 3, N½N½NW¼. Sec. 19, NE1/4. Totaling 160 acres. NE'4; Sec. 4, S'2; Sec. 5, S'2; Bryan Flat Administrative Site T. 38 N., R. 115 W. (Unsurveyed), Sec. 9, NE¼, E½E½NW¼, NE¼SE¼, N½ NW¼SE¼, N½SE¼SE¼, and NE¼NE¼ Totaling 840 acres. Upper Hoback Narrows Administrative Site Sec. 6, S1/2; Sec. 0, 5/2; Sec. 7, NW¼NW¼, and NE¼NE¼; Sec. 8, NW¼NW¼, and NE½NE¼; Sec. 9, N½N½N½; Sec. 10, NW¼NW¼. T. 38 N., R. 117 W. (Unsurveyed), SW4; Sec. 10, W½W½W½NW¼, W½W½NW¼ SW¼, and W½NW¼SW¼SW¼. Totaling 325 acres. T. 36 N., R. 115 W. (Unsurveyed), Sec. 32, W½SE¼, and E½SW¼. Totaling 160 acres. Moran-Yellowstone Park Approach Road, U.S. 89 and 287, Roadside Zone Sec. 34, SE¼SE¼; Sec. 35, S½S½SW¼; Sec. 36, S½, and S½NE¼. T. 38 N. R. 116 W. (Unsurveyed), Clear Creek Administrative Site T. 40 N., R. 111 W., Sec. 21, S½NE¼, and N½SE¼. A strip of land 200 feet wide on each side of the center line of the Moran-Yellowstone Totaling 160 acres. 38 N. K. 116 W. (Onsurveyed), Sec. 7, NE¹/₄; Sec. 8, SW ¹/₄, and SW ¹/₄NW ¹/₄; Sec. 17, W ¹/₂NE ¹/₄, and NE ¹/₄NW ¹/₄; Sec. 29, E ¹/₂W ¹/₅, and NW ¹/₄NE ¹/₄. Park Approach Road through the following approximate legal subdivisions: T. 47 N., R. 115 W. (Unsurveyed), Sec. 5, W½; Sec. 8, NW¼, and S½. T. 48 N., R. 115 W. (Unsurveyed), Cliff Creek Administrative Site T. 38 N., R. 114 W. Sec. 22, E½NE¼; Sec. 23, NW¼NW¼. Totaling 872 acres. Totaling 120 acres. Cave Falls F.D.R. #436 Wyoming Roadside Darwin Administrative Site Sec. 16: Zone Sec. 21, N½, W½SW¼, and E½SE¼; Sec. 28, N½, and SW¼; T. 40 N., R. 111 W., Sec. 15, S½SW¼; Sec. 22, NE¼NW¼. A strip of land 200 feet on each side of the Sec. 29, SE1/4; center line of the Cave Falls F.D.R. #436 in Sec. 32; Wyoming through the following legal sub-Totaling 120 acres. Sec. 33, NW1/4. Totaling 339 acres. divisions: T. 48 N., R. 118 W., Enos Lake Administrative Site Sec. 8, lots 1, 2, and 3; Wind River Highway (U.S. #287 and #26) Roadside Zone T. 46 N., R. 112 W. (Unsurveyed), Sec. 9, lots 3 and 4; Sec. 17, lot 1, and N½NW¼NE¼. Sec. 11, E½SE¼; Sec. 12, W½SW¼ A strip of land 200 feet wide on each side of the center line of the Wind River Forest Highway, through the following approximate legal subdivisions:

T. 44 N., R. 110 W. (Unsurveyed), Totaling 97 acres. Totaling 160 acres. TETON NATIONAL FOREST Flat Creek Administrative Site Granite Creek Recreation Area T. 41 N., R. 115 W., Sec. 3, lots 2, 3, and 4, SW1/4NE1/4, and S1/2NW1/4.
Totaling 241.97 acres. T. 39 N., R. 113 W. (Unsurveyed), Sec. 17, SW1/4; Sec. 8, S½NW¼, and SW¼. Totaling 240 acres. Sec. 18, S1/2 Sec. 19. NE1/4: Sec. 20; Granite Falls Administrative Site Granite Hot Springs Recreation Area Sec. 29, N1/2 T. 44 N., R. 111 W. (Unsurveyed), Sec. 3, NW 1/4, and S1/2; T. 39 N., R. 113 W. (Unsurveyed), T. 39 N., R. 113 W. (Unsurveyed), Sec. 6, SE¼, and E½SW¼; Sec. 7, N½NE¼, and NE¼NW¼. Sec. 6, NW1/4. Totaling 160 acres. Sec. 4, N½; Sec. 10, NE¼; Sec. 11, NW¼, and S½; Totaling 360 acres.

Hoback Administrative Site

T. 38 N., R. 113 W.,

Sec. 29, S1/2 SE1/4;

Sec. 12, SW1/4;

Sec. 14, NE1/4.

Sec. 13, N1/2, and SE1/4;

SE¼; Sec. 38, SW¼;

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T. 45 N., R. 111 W. (Unsurveyed),
  Sec. 31;
Sec. 32, NW1/4, and S1/2;
  Sec. 33, S1/2.
T. 45 N., R. 112 W.,
   Sec. 31, NE1/4;
  Sec. 32, N½;
Sec. 33, N½;
Sec. 34;
   Sec. 35;
Sec. 36, S½.
T. 45 N., R. 113 W.,
   Sec. 25, lot 8;
   Sec. 29, NW 1/4 NE 1/4, and N 1/2 NW 1/4;
   Sec. 30, N1/2 NE1/4.
         Totaling 1,117 acres.
Star Valley-Yellowstone Highway (U.S. #89
              and #26) Roadside Zone
   A strip of land 200 feet wide on each side
of the center line of the Star Valley-Yellow-
stone forest highway, through the following approximate legal subdivisions:
T. 39 N., R. 116 W.,
   Sec. 2, lots 5 and 6, NE1/4 SW1/4;
  Sec. 3, 1045 5 and 6;
Sec. 11, 1045 3, 5, 8, and 9;
Sec. 12, SW1/4NW1/4, and SW1/4; (Unpatented Portions)
 patented Portions)
Sec. 13, N½NW¼, N½SE¼NW¼, SW¼
NW¼, and W½SW¼;
Sec. 14, E½NE¼, N½NE¼SE¼, NW¼SE¼,
and E½SW¼; (Unpatented Portions)
Sec. 23, NE¼, NW¼, and Unpatented Portions of W½SE¼ and SW¼;
Sec. 26, W½NW¼; (Unpatented Portions)
Sec. 27, lot 5, NW¼NE¼, N½SW¼NE¼,
N½SW¼, and SW¼SW¼;
Sec. 31, SE¼SE; (Unpatented Portions)
Sec. 32, lot 6.
   Sec. 32, lot 6.
T. 38, N., R. 116 W.,
  Sec. 5, NW1/4 and SW1/4, those portions west of the Snake River;
   Sec. 6, E½ NE¼, and E½ SE¼.
Totaling 170 acres.
   Hoback Canyon Highway (U.S. #187)
Roadside Zone
   A strip of land 200 feet wide on each side
of the Hoback Canyon Highway, through the following approximate legal subdivisions:
T. 37 N., R. 111 W.,
   Sec. 31, N½, and SE¼;
Sec. 32, W½.
T. 37 N., R. 112 W.,
   Sec. 20, 51/2;
   Sec. 21, SW1/4;
   Sec. 25, SW1/4;
   Sec. 26, S1/2;
   Sec. 27, N1/2, and SE1/4;
   Sec. 28, N1/2;
   Sec. 29, N1/2;
   Sec. 36, N1/2
T. 38 N., R. 114 W. (Partly Unsurveyed).
   Sec. 4, W1/2 (Unpatented Portions);
   Sec. 5, N1/2;
   Sec. 6, N1/2, and SW1/4;
   Sec. 9;
  Sec. 9;
Sec. 10, SW¼;
Sec. 15, N½, and SE¼;
Sec. 22, W½NE¼;
Sec. 23, NE¼, E½NW¼, SW¼NW¼, and
      SE1/4:
   Sec. 24, W1/2 NE1/4 NW1/4, NW1/4 NW1/4, S1/2
      NW14, and SW14.
T. 38 N., R. 115 W. (Unsurveyed),
   Sec. 1, NE14, and S1/2;
   Sec. 2, NW1/4, and S1/2;
   Sec. 3, N1/2;
   Sec. 4, N1/2 NE1/4.
T. 39 N., R. 115 W. (Unsurveyed).
   Sec. 29, W1/2SW1/4;
   Sec. 30, NE1/4NW1/4, and SE1/4 (Unpatented [F.R. Doc. 59-6209; Filed, July 28, 1959;
      Portions);
          No. 147-
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Sec. 34, SW 1/4.
T. 39 N., R. 116 W. (Unsurveyed),
  Sec. 23, SE1/4, and SW1/4 (Unpatented Por-
     tions):
   Sec. 24, S1/2
  Sec. 26, NE1/4, and Unpatented portions of
     NW1/4.
Totaling 1,079 acres.
Teton Pass Forest Highway (Wyoming #22)
Roadside Zone
   A strip of land 200 feet wide on each side
of the center line of the Teton Pass Forest
Highway, through the following approximate
legal subdivisions:
T. 41 N., R. 117 W. (Unsurveyed),
  Sec. 19, S½;
Sec. 20, SE¼ SE¼;
Sec. 29, NW¼ NE¼, and NW¼;
Sec. 30, NE¼.
T. 41 N., R. 118 W. (Unsurveyed),
  Sec. 24, S1/2.
         Totaling 217 acres.
   Gros Ventre Road, Forest Service #88,
                    Roadside Zone
A strip of land 200 feet wide on each side of the center line of the Gros Ventre forest
development road, through the following ap-
proximate legal subdivisions:
T. 41 N., R. 112 W. (Unsurveyed),
Sec. 2,5½;
Sec. 3, 5½NE¼, SE¼NW¼, S½N½NW¼,
and NE¼SE¼.
T. 42 N., R. 112 W.,
   Sec. 19, SW1/4;
   Sec. 28, W1/2SW1/4;
Sec. 29;
Sec. 30, N½ N½.
T. 42 N., R. 113 W. (Partly Unsurveyed),
   Sec. 6, SW1/4;
Sec. 7, N1/2, and SE1/4;
   Sec. 8, SW 14;
Sec. 9, W 1/2 SW 1/4 SW 1/4, and E 1/2 SW 1/4 SE 1/4;
Sec. 15, NW 1/4 SW 1/4, S 1/2 SW 1/4, and SW 1/4
          16.
                 E1/2NE1/4, E1/2NW1/4NE1/4, and
   Sec. 10, 2,2
NE¼SE¼;
Sec. 22, N½NE¼;
   Sec. 23, S½ NE¼, NW¼, and N½ SE¼;
Sec. 24, S½;
   Sec. 25, NE1/4
Sec. 2, NE./4.
T. 42 N., R. 114 W. (Partly Unsurveyed),
Sec. 1, NW 1/4, NE 1/4 SW 1/4, and SE 1/4;
Sec. 2, N 1/2 NE 1/4;
Sec. 4, N 1/4 NW 1/4;
   Sec. 5, N<sup>1</sup>/<sub>2</sub>;
Sec. 6, E<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>.
T. 43 N., R. 114 W. (Unsurveyed),
   Sec. 31, 51/2
   Sec. 33, SE1/4SW1/4, and S1/2SE1/4;
   Sec. 34, S1/2
   Sec. 35, NW1/4SW1/4, S1/2SW1/4, and SW1/4
     SE1/4.
Totaling 818 acres.
   The total area withdrawn by this order
aggregates 15,751.80 acres.
   This order shall be subject to existing
withdrawals for other than national forest purposes so far as they affect any
of the lands described, and shall take
precedence over but not otherwise affect
the existing reservation of the lands for
national forest purposes.
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ROGER ERNST, Assistant Secretary of the Interior.

JULY 23, 1959.

8:46 a.m.]

[Public Land Order 1924] [New Mexico 034635]

NEW MEXICO

Opening Lands Under Section 24 of the Federal Power Act (Power Site Reserve Nos. 574, 546, 59, and Water Power Designation No. 1)

1. In DA-48-New Mexico, issued May 13, 1957; DA-50-New Mexico, issued January 6, 1958, and DA-56-New Mexico, issued July 28, 1958, the Federal Power Commission determined that the value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws subject to the provisions of section 24 of the Federal Power Act, as amended:

NEW MEXICO PRINCIPAL MERIDIAN

DA-50-New Mexico

T. 14 S., R. 10 E. Sec. 22, NW 1/4 NE 1/4 and NW 1/4.

DA-56-New Mexico

T. 29 N., R. 14 W., Sec. 15, Lot 1.

DA-48-New Mexico

T. 23 S., R. 28 E. Sec. 9, NE 1/4 NW 1/4.

The areas described aggregate approximately 268 acres.

2. The land in T. 14 S., R. 10 E., lies on the south side of the Rio Tularosa, on fairly level tableland bordering Tularosa Canyon. Lot 1, section 15, T. 29 N., R. 14 W., is located on the north bank of the San Juan River, approximately 5 miles from Farmington. The NE½NW¼, section 9, T. 23 S., R. 28 E., is crossed by the Pecos River about three miles north of Loving.

3. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, the lands described in paragraph 1 of this order are hereby opened to location, entry and selection under the public-land laws, subject to the provisions of section 24 of the Federal Power Act, supra, and subject to valid existing rights, and the requirements of applicable law, in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following. paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims men-

tioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September '27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on August 28, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on November 27, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on November 27, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The State of New Mexico has waived the preference right granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

- 5. Until 10:00 a.m. on October 23, 1959, the lands shall be subject to application by the State of New Mexico under section 24 of the Federal Power Act, supra, for the reservation to the State or any political subdivision thereof, of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways.
- 6. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U.S.C. 621).
- 7. No application for the lands may be allowed under the homestead, desertland, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.
- 8. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office,

Bureau of Land Management, Santa Fe, New Mexico.

ROGER ERNST,
Assistant Secretary of the Interior.
JULY 23, 1959.

[F.R. Doc. 59-6210; Filed, July 28, 1959; 8:46 a.m.]

[Public Land Order 1925] [1174829]

OREGON

Partially Revoking Departmental Orders of September 2, 1914 and March 28, 1925 (Owyhee Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of September 2, 1914 and March 28, 1925, which withdrew lands in Oregon for reclamation purposes in the first form, in connection with the Owyhee Project, are hereby revoked so far as they affect the following-described lands:

WILLAMETTE MERIDIAN '

T. 20 S., R. 45 E., Sec. 35, W½W½SE¼. T. 22 S., R. 45 E., Sec. 28, E½ and E½SW¼; Sec. 33, NE¼, NE¼NW¼, S½NW¼ and S½. T. 22 S., R. 46 E., Secs. 6, 7, 17 and 18.

The areas described aggregate 3,542.94 acres.

2. The State of Oregon has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The lands are in Malheur County, approximately eight miles from Adrian, Oregon. The topography is rolling to rough and mountainous. Vegetation consists mostly of cheat grasses, a small amount of other native grasses, and sagebrush.

4. No application for the-lands may be allowed under the homestead, desertland, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. An application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following.

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284 as amended) presented prior to 10:00 a.m. on August 28, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on November 27, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. of November 27, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

6. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on November 27, 1959.

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Organ

ROGER ERNST,
Assistant Secretary of the Interior.
July 23, 1959.

[F.R. Doc. 59-6211; Filed, July 28, 1959; 8:46 a.m.]

[Public Land Order 1926]

[76666]

WISCONSIN

Opening Lands Under Section 24 of Federal Power Act (Power Site Classification No. 298)

1. In DA-5-Wisconsin, issued August 2, 1957, the Federal Power Commission de-

termined that the value of the followingdescribed lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws subject to the provisions of section 24 of the Federal Power Act of 1920, as amended, and subject to the condition that in the event the said lands are required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees, or licensees:

FOURTH PRINCIPAL MERIDIAN

T. 39 N., R. 9 E., Sec. 6, lot 5.

Containing 17.15 acres.

- 2. The tract is located eight miles west of Eagle River on the south bank of the Wisconsin River, and within the boundaries of the American Legion State Forest.
- 3. No application for the lands may be allowed under the homestead, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.
- 4. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, the lands described in paragraph 1 of this order are hereby opened to filing of applications and selections, subject to section 24 of the Federal Power Act, supra, and the condition specified in said paragraph 1, and subject to existing valid rights and the requirements of applicable law, in accordance with the following:
- a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or rights. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, and 'Small Tract Laws by qualified veterans of World War II or of the Korean Conflict and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284, as amended), presented prior to 10:00 a.m. on August 28, 1959, will be considered as simultaneously filed at that hour. Rights under

such preference right applications filed after that hour will be governed by the time of filing.

- (3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on November 27, 1959, will be considered simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.
- 5. Until 10:00 a.m. on January 23, 1960, the lands shall be subject to applications by the State of Wisconsin in accordance with and subject to the limitations and requirements of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). They shall also be subject to application by the State under Section 24 of the Federal Power Act, supra, for the reservation to the State or any political subdivision thereof, of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways.
- 6. The lands have been open to applications and offers under the mineral leasing laws.
- 7. Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington 25, D.C.

Roger Ernst,
Assistant Secretary of the Interior.

JULY 23, 1959.

[F.R. Doc. 59-6212; Filed, July 28, 1959; 8:46 a.m.]

[Public Land Order 1927] [Oregon 05332]

OREGON

Revoking Executive Order Creating
Power Site Reserve No. 644;
Partially Revoking Executive Orders
Creating Power Site Reserves Nos.
634 and 645, and Modifying Departmental Orders Constituting
Water Power Designations Nos. 11
and 12

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May-26, 1952, and as Secretary of the Interior, it is ordered as follows: 1. The Executive Order of July 17, 1917, creating Power Site Reserves Nos. 634 and 645, and the Departmental orders of July 13, 1917, classifying certain lands as Water Power Designations Nos. 11 and 12, pursuant to sections 2 and 3 of the act of June 9, 1916 (39 Stat. 218), are hereby revoked so far as they affect the following-described lands:

WILLAMETTE MERIDAN

T. 23 S., R. 9 W., Sec. 7, lot 13;

Sec. 17, SE¼SW¼; Sec. 19, SE¼SW¼. T. 22 S., R. 10 W.,

Sec. 35, lot 3, SE¼NE¼, SW¼SW¼, and NE¼SE¼. T. 23 S., R. 10 W.,

Sec. 13, NE1/4 NE1/4 and S1/2 NE1/4.

The areas described aggregate 402.35 acres of revested Oregon and California Railroad grant lands.

2. The Executive Order of August 23, 1917, reserving the following-described lands as Power Site Reserve No. 644, is hereby revoked:

WILLAMETTE MERIDIAN

T. 23 S., R. 9 W., Sec. 18, lot 2.

The area described contains 40.29 acres.

3. The departmental order of July 13, 1917 (Water Power Designation No. 11), and the Executive Order of July 17, 1917 (Power Site Reserve No. 634), referred to in paragraph 1 hereof, are hereby modified to the extent necessary to permit the grant of a highway right-of-way made by section 2477, U.S. Revised Statutes (43 U.S.C. 932) to become effective as to those portions of the following-described lands, delineated upon maps in three sheets designated "Douglas County, Oregon, Loon Lake, R.D. No. 3 by A. H. May, County Eng." on file with the Bureau of Land Management in Oregon 05332:

WILLAMETTE MERIDIAN

T. 23 S., R. 10 W., Sec. 1, lots 17 and 18.

4. The Federal Power Commission has determined that the value of the following-described lands would not be injured or destroyed for purposes of power development by location, entry, or selection under the public-land laws, subject to the provisions of section 24 of the Federal Power Act:

WILLAMETTE MERIDIAN

(DA-461---Oregon)

T. 23 S., R. 9 W., Sec. 7, lot 17;

Sec. 17, $NE\frac{1}{4}SW\frac{1}{4}$ and $W\frac{1}{2}SW\frac{1}{4}$; Sec. 19, lot 4 ($SW\frac{1}{4}SW\frac{1}{4}$), $NW\frac{1}{4}SE\frac{1}{4}$, and

NE¹/₄SW¹/₄.
T. 23 S., R. 10 W.,
Sec. 1, SW¹/₄SE¹/₄;
Sec. 12, NW¹/₂NE¹/₄;

Sec. 1, SW 1/4 SE 1/4; Sec. 13, NW 1/4 NE 1/4; Sec. 35, NE 1/4 SE 1/4.

The areas described aggregate 400.23 acres.

(DA-470-Oregon)

T. 23 S., R. 10 W.,

Sec. 2, lots 14 and 15.

The areas described aggregate 75.86 acres.

5. The lands described in this order are, or have the status of revested Oregon and California Railroad grant lands. At 10:00 a.m. on October 23, 1959, they shall become subject to such disposition as may by law be made cf such lands, those described in paragraph 4, however, to be subject to disposition only in accordance with and subject to the provisions of section 24 of the Federal Power Act (41 Stat. 1075: 16 U.S.C. 818) as amended. Until 10:00 a.m. on October 23, 1959, they, together with the lands described in paragraphs 1 and 2 of this order, shall be subject only to application by the State of Oregon under any statute or regulation applicable thereto for the reservation to it or to any of its political subdivisions of any portion of the lands needed as a right-of-way for public highways or as a source of materials for the construction and maintenance of such highways.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

ROGER ERNST, Assistant Secretary of the Interior.

JULY 23, 1959.

[F.R. Doc. 59-6213; Filed, July 28, 1959; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications
Commission

[FCC 59-762]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Renewal of Station Licenses

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of July 1959;

The Commission having under consideration the addition of a new § 21.709 to Part 21 of its rules, which concerns the standards for determination of the common carrier status of radio station licensees (other than wireline carriers) seeking renewal of authorizations in the Domestic Public Point-to-Point Microwave Radio Service; and

It appearing that while the Commission recognizes that an applicant (other than wireline carriers) may establish its initial eligibility to become a licensee of such point-to-point common carrier microwave radio facilities by holding itself out as a common carrier and assuming all legal burdens and obligations accruing to such status, it is necessary and desirable to review, after a reasonable interval of operation, the extent of use of such facilities by persons other than those in which the licensee has some direct or indirect interest or relation; and

It further appearing that the amendment herein ordered would elicit information on the basis of which the common carrier status of licensees (other than wireline carriers) seeking renewal of license will be considered; and

It further appearing that the amendment herein ordered sets forth a general statement of procedure relative to our reexamination of the common carrier status of certain licensees seeking renewal of station licenses for Domestic Public Point-to-Point Microwave Radio Systems licensed under Part 21 of our rules, which amendment is procedural in nature, and, therefore, proposed rulemaking is not required pursuant to the provision of section 4(a) of the Administrative Procedure Act;

It is ordered, That, pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 21 of the Commission's rules is amended to add a new § 21.709, as shown below, effective the 31st day of August 1959.

Released: July 24, 1959.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

Part 21 of the rules is amended by adding the following new § 21.709 thereto:

§ 21.709 Renewal of station licenses.

(a) Upon filing application for renewal of station license of a radio system in the Domestic Public Point-to-Point Microwave Radio Service, each such common carrier licensee who does not also operate a telephone or telegraph wireline system shall make a factual showing that, during the preceding license period, at least 50 percent of the total hours of service rendered over the radio system, and not less than 50 percent of the radio channels therein, have been used by subscribers not directly controlling or controlled by, or under direct or indirect common control with, the applicant.

(b) If the applicant is unable to meet the criteria set forth in paragraph (a) of this section, he shall make a factual showing of the extent of such service rendered, the specific nature, extent, and dates of any efforts the licensee has made to achieve use of the service by the public, and offer such further showing or explanation as he may deem appropriate.

(c) The showing made under paragraphs (a) and (b) of this section shall be made in duplicate and under oath and submitted with the appropriate renewal application.

[F.R. Doc. 59-6240; Filed, July 28, 1959; 8:50 a.m.]

[FCC 59-763]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Frequencies; Bandwidth and Emission Limitations

At a session of the Federal Communications Commission held at it offices in Washington, D.C., on the 22d day of July, 1959;

The Commission having under consideration the implementation of the frequency bands 942–952 and Mc 2110–2200 Mc for use by communication common carriers and other minor editorial changes in Part 21 of the Commission's Rules Governing Domestic Public Radio Services (Other than Maritime Mobile); and

It appearing that use of the frequency bands 942–952 Mc and 2110–2200 Mc for the purposes herein intended was duly considered in the rule making proceeding in Docket No. 12404 wherein the Commission, in its Fifth Report and Order, dated February 18, 1959, announced its intention to amend, in conformance therewith, its service rules without further Notices of Proposed Rule Making; and

It further appearing that the amendments herein considered conform to the table of frequency allocations in § 2.104 (a) (5) of Part 2 of the Commission's rules and the aforementioned Fifth Report and Order in Docket No. 12404; and

It further appearing that the rule changes herein considered would facilitate resolution of cases of harmful interference which may affect common carrier radio stations operating in the 890–940 Mc band; and

It further appearing, that use of the frequency band 2110–2200 Mc would facilitate common carrier rendition of public communication service over difficult radio transmission paths where use of other available frequencies is not practicable; and

It further appearing that because the public interest would be served by adoption of the rule changes set forth below, and, since such changes are editorial in nature and relieve restrictions, proposed rule making proceedings are not necessary herein;

It is ordered, That §§ 21.501, 21.601, 21.701 and 21.703 of Part 21 of the Commission's rule are hereby amended, as set forth below, effective September 1, 1959. This action is taken pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and sections 4 (a) and (c) of the Administrative Procedure Act.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 22, 1959. Released: July 24, 1959.

Federal Communications Commission,

[SEAL] MARY JANE MORRIS, Secretary.

1. Part 21 is amended by addition of new paragraphs (e) and (h) to § 21.501 to read as follows:

§ 21.501 Frequencies.

(e) On a shared basis with other common carrier fixed, international control and operational fixed radio services, frequencies in the band 2110-220 Mc may be authorized for use by control and repeater stations functioning in conjunction with the Domestic Public Land Mobile Radio Service on the condition that

the emission bandwidth is limited to the minimum necessary to serve the purpose required. Bandwidths in excess of 5 Mc will not be authorized.

(h) Stations now authorized in the band 890-940 Mc may be authorized to operate in the band 942-952 Mc on the following conditions:

(1) That such stations can show that harmful interference is being caused by Government radiopositioning stations in the 890–942 Mc band or by ISM equip-

ment operating on 915 Mc.

- (2) That an engineering study by the Commission indicates that the proposed frequency assignment in the band 942–952 Mc is likely to eliminate the interference.
- (3) That the bandwidth of emission does not exceed 1100 kc.
- (4) That the proposed frequency assignment will not cause interference to existing operations in the band 942-952 Mc.
- 2. Part 21 is amended by deletion of footnote 16 and by addition of a new paragraph (f) to § 21.601 to read as follows:

§ 21.601 Frequencies.

(f) Stations now authorized in the band 890-942 Mc may be authorized to operate in the band 942-952 Mc on the following conditions:

(1) That such stations can show that harmful interference is being caused by Government radiopositioning stations in the 890-942 Mc band or by ISM equip-

ment operating on 915 Mc.

(2) That an engineering study by the Commission indicates that the proposed frequency assignment in the band 942–952 Mc is likely to eliminate the interference.

(3) That the bandwidth of emission does not exceed 1100 kc.

- (4) That the proposed frequency assignment will not cause interference to existing operations in the band 942-952 Mc
- 3. Part 21 is amended by addition of a new paragraph (e) to § 21.701 to read as follows:

§ 21.701 Frequencies.

(e) On a shared basis with other common carrier fixed, international control and operational fixed radio services, frequencies in the band 2110–2200 Mc are available for assignment to radio stations in this service. Television transmission in this band is not authorized.

4. Part 21 is amended by revision of paragraphs (c) and (g) of § 21.703 to read as follows:

§ 21.703 Bandwidth and emission limitations.

- (c) Except as limited by § 21.701(e) and by paragraphs (a) and (b) of this section, stations operating in the frequency bands listed in § 21.701 may be authorized to use amplitude modulated, frequency modulated or pulse type emission for radiotelephony, facsimile and television. The use of unmodulated emission may be authorized in appropriate cases upon specific request supported by a justification of the need therefor.
- (g) The maximum bandwidth normally authorized in this service in the following frequency bands shall not exceed the limits set forth below:

	Authorizea
	bandwidth
Frequency band, Mc	(Mc)
2110-2200	5
2450-2500	20
3700-4200	20
5925-6425	30
10700-11700	
16000-18000	
26000-30000	
[F.R. Doc. 59-6241: Filed, J 8:50 a.m.]	uly 28, 1959;

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

I 25 CFR Part 48 1

ENROLLMENT OF THE SAN PASQUAL BAND OF MISSION INDIANS IN CALIFORNIA

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by secs. 463 and 465 of the Revised Statutes, 25 U.S.C. 2 and 9, it is proposed to add enrollment regulations to Title 25 of the Code of Federal Regulations as Part 48. The proposed regulations are set forth below. The purpose of the regulations is to govern the preparation of a roll of the San Pasqual Band of Mission Indians in California.

All interested persons may, within thirty days of the date of publication of this notice in the Federal Register, submit to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D.C., written comments, suggestions or objections with respect to the proposed regulations.

ROGER ERNST, Assistant Secretary of the Interior. July 23, 1959.

Sec.

48.1 Purpose.

48.2 Definitions.

48.3 Preparation of roll.
48.4 Application for enrollment.

48.5 Persons to be enrolled.

- Sec. 48.6 Enrollment Committee election.
- 48.7 Review of applications by Enrollment Committee.
- 48.8 Determination of eligibility and enrollment by Director. 48.9 Appeals.
- 48.10 Action by the Commissioner.
- 48.11 Action by the Secretary.
- 48.12 Preparation and approval of roll.
- 48.13 Certificate.
- 48.14 Current membership roll.
- 48.15 Use of approved roll.

AUTHORITY: §§ 48.1 to 48.15 issued under authority contained in secs. 463 and 465 Revised Statutes, 25 U.S.C. 2 and 9.

§ 48.1 Purpose.

These regulations shall govern the enrollment of persons in the San Pasqual Band of Mission Indians in California as of January 1, 1959.

§ 48.2 Definitions.

- (a) "Secretary" means the Secretary of the Interior.
- (b) "Commissioner" means the Commissioner of Indian Affairs.
- (c) "Director" means the Area Director, Sacramento Area Office.
- (d) "Field Representative" means the Area Field Representative, Riverside, California.
- (e) "Band" means the San Pasqual Band of Mission Indians.
- (f) "Enrollment Committee" means a committee of three (3) members whose names appear on the June 30, 1910, Census roll of the San Pasqual Band, to assist in enrollment.

(g) "Census Roll" means the June 30, 1910, Census Roll of the San Pasqual Band of Mission Indians.

§ 48.3 Preparation of roll.

The Director shall prepare and submit for approval by the Secretary a roll of the members of the Band.

§ 48.4 Application for enrollment.

A person who believes that he or she, or a minor or mental incompetent is entitled to enrollment with the Band, may within ninety (90) days from the date of the publication of this part in the FEDERAL REGISTER, file with the Field Representative a written application for enrollment in this Band. Application forms may be obtained from the Field Representative or a member of the Enrollment Committee. The form of application shall be prescribed by the Director. The execution of each application shall be witnessed by two (2) disinterested persons who are not members of the household of the applicant. An application on behalf of a minor or mental incompetent shall be executed by a parent, natural guardian, or other person responsible for his care. If the Director has knowledge of a minor or mental incompetent for whom an application has not been filed within the 90day period, he shall file an application for that person and submit it to the Enrollment Committee. Each application shall contain the following information:

(a) The name and address of the applicant, and if the applicant is a minor

or mental incompetent; the name, address, representative capacity and blood relationship of the person executing the application on behalf of the minor or mental incompetent.

(b) The date and place of birth of

the applicant.

- (c) The applicant's degree of Indian blood and degree of Indian blood of the Band.
- (d) Date and number of land assignment approved by the Eureau of Indian Affairs.
- (e) If the applicant has ever been allotted or enrolled, the name of the reservation where allotted or enrolled and the date of relinquishment of allotment or enrollment.
- (f) The name and degree of Indian blood of each parent of the applicant, the degree of Indian blood of the Band, the name of the tribe or Band with which each parent of the applicant is or was enrolled, and the names and addresses of any brothers and sisters of the applicant who may have filed applications for enrollment with the Band.
- (g) If the applicant is enrolled on approved roll of Indians of California, the number thereon of the applicant.

§ 48.5 Persons to be enrolled.

The names of persons in any of the following categories who were alive on January 1, 1959, shall be placed on the membership roll of the Band, provided he or she is not an enrolled member of some other tribe or band.

(a) Indians whose names appear as members of the Band on the Census Roll.

- (b) Descendants of Indians whose names appear as members of the Band on the Census Roll, provided such descendants possess one-eighth (1/2) or more degree of Indian blood of the Band.
- (c) Indians not included in the categories set out in paragraphs (a) and (b) of this section who can furnish sufficient proof to establish that they are \(\frac{1}{8} \) or more degree Indian blood of the Band.
- (d) The burden of proof rests upon the applicant to establish that he or she is of the degree of Indian blood of the Band as claimed in the application.
- (e) If an Indian who applies for enrollment under the provisions of paragraphs (a), (b) or (c) of this section has received in his or her own right an allotment or is enrolled as a member with some other tribe or band and has not relinquished such allotment or enrollment prior to January 1, 1959, such person shall not be enrolled. Ownership of an allotment or an interest in an allotment acquired through inheritance shall not, however, be a bar to enrollment.

§ 48.6 Enrollment Committee election.

A person who is twenty-one (21) years of age or older and believes that he is a member of the Band, shall be entitled to vote at a time and place and in a manner designated by the Band or Director, to elect three (3) persons, whose names appear on the Census Roll, to serve as members of the Enrollment Committee and two (2) persons to act as alternates to the Committee. The three (3) persons receiving the highest number of

votes shall constitute the Enrollment Committee of the Band, and the persons receiving the fourth and fifth highest number of votes shall serve as alternate members of the Committee. The person receiving the highest number of votes shall be the chairman; the person receiving the next highest number of votes shall be the secretary.

§ 48.7 Review of applications by Enrollment Committee.

The Field Representative shall refer duly filed applications for enrollment to the Enrollment Committee. The Enrollment Committee shall review each such application and may require an applicant to furnish additional information in writing or in person to assist the Enrollment. Committee to make a recommendation. The Enrollment Committee shall file with the Director, through the Field Representative, those applications which it approves and with those applications not approved shall submit a separate report stating reasons for disapproval. The applications, whether approved or disapproved, shall be filed with the Director within thirty (30) days from receipt of the applications by the Committee.

§ 48.8 Determination of eligibility and enrollment by Director.

The Director shall review the reports and recommendations of the Enrollment Committee and shall determine the applicants who are eligible for enrollment in accordance with the provisions of § 48.5. The Director shall transmit for review to the Commissioner and for final determination by the Secretary, the reports and recommendations of the Enrollment Committee relating to applicants who have been determined by the Director to be eligible for enrollment against the report and recommendations of the Enrollment Committee, and the reports and recommendations of the Enrollment Committee relative to applicants who have been determined by the Director not to be eligible for enrollment against the reports and recommendations of the Enrollment Committee, with a statement of the reasons for his determination.

§ 48.9 Appeals.

If the Director determines that an applicant is not eligible for enrollment in accordance with the provisions of § 48.5 he shall notify the applicant in writing of his determination and the reasons therefor. Such applicant shall then have thirty (30) days from the date of the mailing of the notice to him to file with the Director an appeal from the rejection of his application, together with any supporting evidence not previously furnished. The Director shall forward to the Commissioner the appeal, supporting data, and his recommendation thereon, and the report and recommendation of the Enrollment Committee on the application,

§ 48.10 Action by the Commissioner.

When upon review the Commissioner is satisfied that the appellant meets the provisions of § 48.5 he shall so notify the appellant in writing, and the Director

is authorized to enter his name on the roll. If the Commissioner determines that an appellant is not eligible for enrollment in accordance with the provisions of § 48.5 the appellant shall be notified in writing of his decision and the reasons therefor. The appellant shall then have thirty (30) days from the date of mailing of the notice to file an appeal with the Secretary.

§ 48.11 Action by the Secretary.

The decision of the Secretary on an appeal shall be final and conclusive and the appellant shall be given written notice of the decision. The Director is authorized to enter on the roll the name of any such person whose appeal has been granted when so directed by the Secretary.

§ 48.12 Preparation and approval of roll.

Upon notice from the Secretary that all appeals have been determined the Director shall prepare in quintuplicate a roll of members of the Band, arranged in alphabetical order. The roll shall contain for each person: name, address, sex, date of birth, and degree of Indian blood of the Band. The Director shall submit the roll to the Secretary for approval. Four (4) copies of the approved roll shall be returned to the Director who shall make one (1) copy available to the Chairman of the Tribal Council and one (1) copy available to the Chairman of the Enrollment Committee,

§ 48.13 Certificate.

The Director shall affix a certificate to the approved roll, certifying that the roll, to the best of his knowledge and belief, contains only the names of Indians entitled to enrollment with the Band.

§ 48.14 Current membership roll.

The roll shall be kept current by striking therefrom the names of persons who have relinquished in writing their membership in the Band and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Director and by adding thereto the names of children born after January 1, 1959, who meet the membership requirements set forth in § 48.5. It will not be necessary for the Secretary to approve each addition to or deletion from the current membership roll. However, before the roll may be used for the distribution of tribal assets it shall be submitted to the Secretary for his final approval.

§ 48.15 Use of approved roll.

Unless otherwise directed by Congress, the approved roll shall be used for all official purposes.

F.R. Doc. 59-6214; Filed, July 28, 1959; 8:46 a.m.]

I 25 CFR Part 163 1 ROADLESS AND WILD AREAS ON INDIAN RESERVATIONS

Basis and purpose. Notice is hereby given that pursuant to the authority

vested in the Secretary of the Interior by section 463 of the Revised Statutes (25 U.S.C. 2), it is proposed to amend 25 CFR 163 as set forth below. The purpose of this amendment is to exclude the 155,000 acres on the Colville Reservation known as the Columbia-San Poil Divide Area and the 125,000 acres on the Flathead Reservation known as the Mission Range Area from the list of roadless areas heretofore set forth in § 163.1 of Title 25, CFR; also the 19,000 acres known as the Fort Charlotte Area and the 11,000 acres known as the Grand Portage Area, both on the Grand Portage Reservation, are proposed to be excluded from the list of wild areas heretofore set forth in § 163.2 of Title 25, CFR. The respective Tribes have requested the elimination of these areas to facilitate the economic development of the areas.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, whenever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the Federal Register.

ROGER ERNST,

Assistant Secretary of the Interior.

JULY 22, 1959.

Section 163.1 of Part 163 is amended to read as follows:

§ 163.1 Roadless areas.

A roadless area for the purpose of this part is one which contains no provision for the passage of motorized transportation and which is at least 100,000 acres in forested country or at least 500,000 acres in non-forested country. The following are established as roadless areas on Indian reservations:

Name of area	Reservation	Approximate acreage
Wind River Mountains. Mt. Thomas Mesa Verde Goat Rocks	Shoshone Ft. Apache Consolidated Ute_ Yakima-	220, 000 130, 000 115, 000 105, 000

The boundaries of these areas are described in the appendix to this part.

Section 163.2 of Part 163 is amended to read as follows:

§ 163.2 Definition of wild areas.

There are certain areas, not large enough to be designated by the term roadless, from which it is nevertheless desirable to exclude provision for the passage of motorized transportation. Such tracts have been designated as wild areas. The Secretary of the Interior ordered that the following be established as wild areas on Indian reservations:

Name of area	Reservation	Approximate acreage
Mount Adams	Yakima	48,000

The boundaries of this area are indicated in the appendix to this part, ¹

[F.R. Doc. 59-6208; Filed, July 28, 1959; 8.46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 939]

BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Notice of Proposed Rule Making With Respect to Expenses and Fixing of Rate of Assessment for 1959–60 Fiscal Period

Consideration is being given to the following proposals which were submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed \$37,535.40 are likely to be incurred by said committee during the fiscal period beginning July 1, 1959, and ending June 30, 1960, both dates inclusive, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler who first handles pears shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid period, the rate of assessment at eight and one-half mills (\$0.0085) per standard western pear box of pears or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by mailing the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the Federal Register.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 24, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[F.R. Doc. 59-6219; Filed, July 28, 1959; 8:46 a.m.]

Agricultural Research Service I 7 CFR Part 319 1 COFFEE

Proposed Amendment of Quarantine and Regulations

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 159, 160, 162, 150ee), is considering amending the Subpart "Coffee" (7 CFR 319.73, 319.73-1 through 319.73-3) to read as follows:

QUARANTINE

§ 319.73 Notice of quarantine.

Pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 159, 160, 162, 150ee), and after the public hearing required thereunder, the Administrator of the Agricultural Research Service hereby determines that the unrestricted importation into Puerto Rico and Hawaii from all foreign countries and localities of (a) the seeds or beans of coffee which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector of the Department of Agriculture, will have destroyed coffee borers in all stages, (b) coffee berries or fruits, (c) coffee plants and leaves, and (d) empty sacks previously used for unroasted coffee, may result in the entry into Puerto Rico and Hawaii of the coffee berry borer (Stephanoderes [coffeae Hgdn.] hampei Ferr.) and an injurious rust disease caused by the fungus Hemileia vastatrix B. and Br., and said Administrator hereby further determines, that, in order to prevent the introduction into Puerto Rico and Hawaii of said insect pest and coffee disease, which are new to and not heretofore widely prevalent or distributed within and throughout the United States, it is necessary to forbid the importation into Puerto Rico and Hawaii of the products and plants specified above, except as permitted in the regulations supplemental hereto. Hereafter, the products and plants specified above shall not be

imported or offered for entry into Puerto Rico and Hawaii from any foreign country or locality except as permitted by said regulations. However, whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of one or more of the products to which this subpart applies, make it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, upon request in specific cases, when the public interests will permit, authorize such importation under conditions specified in the permit to carry out the purposes of this part that are less stringent than those contained in the regulations.

§ 319.73-1 Definitions.

For the purposes of the provisions in this subpart, unless the context otherwise requires, the following words shall be construed, respectively, to mean:

(a) Division. The Plant Quarantine Division, Agricultural Research Service of the Department.

- (b) Director. The Director of the Plant Quarantine Division of the Agricultural Research Service of the Department, or any officer or employee of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.
- (c) Inspector. Any person authorized by the Secretary of Agriculture of the United States to enforce the provisions of the Plant Quarantine Act.
- (d) *Permit*. A form of authorization to allow the importation of certain products in accordance with the regulations in this subpart.

§ 319.73-2 Products prohibited importation.

The seeds or beans of coffee which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector, will have destroyed coffee borers in all stages; coffee berries or fruits; coffee plants and leaves; and empty sacks previously used for unroasted coffee; are prohibited importation into Puerto Rico and Hawaii, except as provided in §§ 319.73-3 and 319.73-4.

§ 319.73-3 Conditions for importation of certain products into Puerto Rico.

- (a) Coffee samples. Samples of unroasted coffee seeds and beans, not exceeding one pound in weight, may be imported into Puerto Rico under permit by mail, freight, express, or baggage. They shall be subject, on arrival, to inspection and fumigation or such other treatment as may be required by the inspector.
- (b) In-transit shipments. In-transit shipments of unroasted coffee seeds and beans through Puerto Rico to foreign countries shall be subject to the Plant Safeguard Regulations (Part 352 of this chapter). The same restrictions shall apply to shipments of these products in transit through Puerto Rico to destinations elsewhere in the United States.

(c) Empty sacks previously used for unroasted coffee. Empty sacks previously used for unroasted coffee may be imported into Puerto Rico under permit subject to inspection by an inspector. If found to be contaminated with unroasted coffee seeds, beans, or berries, the sacks shall be immediately disinfected by the person in charge or possession of such sacks, under the supervision of an inspector and in the manner prescribed by him.

§ 319.73-4 Conditions for in-transit movement of certain products through Hawaii.

(a) In-transit shipments through Hawaii of samples of unroasted coffee seeds and beans in closed mail dispatches, destined to foreign countries or to destinations elsewhere in the United States in compliance with this subpart, will be allowed to proceed without action by the inspector. Other samples of unroasted coffee seeds or beans received by mail in the post offices in Hawaii shall be subject to inspection and safeguard action by the inspector, who shall require their immediate return to origin or immediate forwarding to a destination elsewhere in the United States in compliance with this subpart. Such return or onward movement shall be in closed mail dispatches. If immediate action is not possible they shall be destroyed as a prohibited importation.

(b) Samples of unroasted coffee seeds or beans coming to Hawaii as cargo and not unloaded in Hawaii may be allowed to proceed to a foreign destination or to a destination elsewhere in the United States in compliance with this subpart. If the samples are transshipped in Hawaii, it shall be done immediately and the inspector shall see that the samples are properly wrapped or packaged to prevent pest escape and, if necessary, shall require the carrier to rewrap or package them to the inspector's satisfaction.

(c) Other mail, cargo and baggage shipments of products covered by § 319.73-2, arriving in Hawaii shall not be unloaded or transshipped in Hawaii and shall be subject to the inspection and other applicable requirements of the Plant Safeguard Regulations (Part 352 of this chapter).

§ 319.73-5 Costs.

All costs incident to the inspection, handling, cleaning, safeguarding, treating, or other disposal of products or articles under this subpart, except for the services of an inspector during regularly assigned hours of duty and at the usual places of duty, shall be borne by the owner, or his agent, having responsible custody thereof.

The purpose of the proposed amendments is to include Hawaii in the notice of quarantine, which heretofore related exclusively to imports of unroasted coffee and related items into Puerto Rico. The amendments would prohibit importations into Hawaii of unroasted coffee seeds or beans, coffee berries or fruits, coffee plants and leaves, and empty sacks previously used for unroasted coffee. Permit and inspection requirements have

been added as a condition for the importation into Puerto Rico of empty, used coffee sacks as a further safeguard against the entry of the coffee berry borer. The supplementary regulations have also been modified to specify conditions for certain limited in-transit movement of coffee through Hawaii.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interpret or apply secs. 5, 7, 37 Stat. 316, 317, as amended; 7 U.S.C. 159, 160)

Done at Washington, D.C., this 23d day of July 1959.

B. T. SHAW, Administrator, Agricultural Research Service.

[F.R. Doc. 59-6220; Filed, July 28, 1959; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 299]

[Economic Regs.; Docket No. 10740]

PART 299—EXEMPTION OF AIR CAR-RIERS FROM CERTAIN REQUIRE-MENTS OF SECTION 408 OF THE FEDERAL AVIATION ACT

Notice of Proposed Rule Making

JULY 24, 1959.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 299 of the Economic Regulations which would add another category of aircraft purchase or lease transactions to be excluded under § 299.2 and would put the carriers on notice that the Board reserves the right to terminate the exemptions under this part with respect to transactions believed not to be in the public interest.

The principal features of the proposed regulation are expressed in the attached Explanatory Statement and the proposed amendment is set forth in the Proposed Rule below. This regulation is proposed under authority of sections 204(a) and 416(b) of the Federal Aviation Act of 1958 (72 Stat. 743, 771; 49 U.S.C. 1324, 1386).

Interested persons may participate in the proposed rule making through submission of seven (7) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before August 28, 1959, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after September 1, 1959, for examination by interested persons in the Docket Section of the Board, Room 711, Universal Build-

ing, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. Part 299 of Board's Economic Regulations the grants limited exemptions from section 408(a) (2) and (3) of the Act to any direct air carrier which is a party to an aircraft purchase or lease transaction requiring approval under these subsections, provided that certain conditions are met. This regulation applies only where there has been, among other things, arm's length bargaining and there are no affiliations or interlocking or control relationships between the parties. Such exemptions are granted on the grounds that the continued processing of applications by air carriers for prior approval of these limited transactions on an individual basis is an undue burden on such air carriers by reason of the limited extent of or unusual circumstances affecting the operations of such air carriers and is not in the public interest.

It was the Board's intent under Part 299, as the preamble to that part indicates, to exempt those equipment transactions which are of such a limited nature, by virtue of the fact that they are not of sufficient importance or complexity in terms of their impact upon the public interest to warrant a hearing. that the continued processing of applications for prior approval thereof on an individual basis would impose an undue burden on the air carriers by reason of the limited extent of or unusual circumstances affecting the operations of such carriers. Recently, however, the Board's attention has been focused on a lease agreement between an air carrier and a person engaged in a phase of aeronautics wherein the proceeds of the operations under the lease were payable to the lessor less reimbursement for operating expenses and a fixed fee which were to be retained by the air carrier lessee. Agreements of this nature are not the usual type of lease arrangement and require individual scrutiny by the Board since they tend to subject the air carrier to the control of the lessor in violation of section 408(a) (5), or even to make the air carrier operation that of the lessor (possibly a person other than an air carrier) in violation of section 401(a) of the Act. Therefore, the Board believes that the prevention of possible abuses of operating authority and the sound regulation of the air carriers require that such transactions not be permitted without a clear evidentiary showing that they do not involve a violation of the Act or do not, for any other reason, adversely affect the public interest.

Inasmuch as a profit sharing situation could occur in a purchase agreement as well as a lease, it is proposed to amend Part 299 to specifically exclude from coverage under that part any aircraft purchase or lease agreement where the amount paid to the person whose aircraft are being acquired is directly related to the profits from the operation of such aircraft.

In addition, it is also deemed appropriate to further amend Part 299 to make it clear that the Board will take appropriate steps consistent with law to terminate any exemption afforded under Part 299 which it believes to be contrary to the public interest.

Proposed rule. It is proposed to amend Part 299 of the Economic Regulations (14 CFR Part 299) as follows:

§ 299.2 [Amendment]

- 1. By amending § 299.2 by adding a new paragraph (d) to read as follows:
- (d) An aircraft purchase or lease agreement wherein the payment to the person whose aircraft are being purchased or leased is directly related to the gross revenue or profits derived from the operation of the aircraft.
- 2. By renumbering present § 299.4 as § 299.5 and by adding a new § 299.4 to read as follows:

§ 299.4 Termination of exemption.

The exemption granted by this part may be terminated by the Board, under appropriate procedures, with respect to any transaction that it believes to be contrary to the public interest.

[F.R. Doc. 59-6233; Filed, July 28, 1959; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]*

[Airspace Docket No. 59-WA-54]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6229 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 229 is presently designated, in part, direct between the Wilmington, N.C., VOR and the New Bern, N.C., VOR. The United States Marine Corps at Camp Lejeune is presently conducting training, under "controlled firing" within this airway. This training includes the firing of small arms, rockets, mortars, and artillery. Firing ceases whenever aircraft are observed in the vicinity of the firing area. In view of the volume of traffic along the airway, interruptions to firing are sufficiently frequent to seriously disrupt the training of the Marine Corps. It is therefore proposed to realign the Wilmington, N.C.-New Bern, N.C., segment of VOR Federal airway No. 229 to provide an adequate area adjacent to Camp Lejeune so that the weapons training program may be conducted with a minimum of interruption. If such action is taken, this segment of the airway would be redesignated via the point of intersection of the Wilmington VOR 014° True and the New Bern VOR 239° True radials, and add about five miles to the segment. As is presently the case, from sunset to sunrise daily, the portion of the modified airway within the Cherry Point Restricted Area (R-125) would extend upward only to 5,500 feet MSL. The control areas associated with VOR Federal airway No. 229 are so designated and described so that they would automatically conform to the modified airway. Accordingly, no amendment relating to such control areas would be necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend \$ 600.6229 (14 CFR 1958 SUPP., 600.6229) as follows:

1. In § 600.6229 VOR Federal airway No. 229 (Wilmington, N.C., to Cofield, N.C.), delete "From Wilmington, N.C., omnirange station via the New Bern, N.C., omnirange station;". Substitute therefor "From the Wilmington, N.C., VOR via the point of intersection of the 014° True radial of the Wilmington VOR and the 239° True radial of the New Bern, N.C., VOR; New Bern VOR;".

Issued in Washington, D.C., on July 23, 1959.

D. D. THOMAS, Director,

Bureau of Air Traffic Management.

[F.R. Doc. 59-6201; Filed, July 28, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 12947; FCC 59-732]

RULES OF PRACTICE AND PROCEDURE

Notice of Proposed Rule Making

In the matter of amendment of §§ 1.212, 1.213, 1.214, 1.215, 1.216, and

1.218 Rules of practice and procedure; Docket No. 12947.

1. Notice is hereby given of proposed rulemaking in the above-entitled matter.

2. The recent Sangamon decision (Sangamon Valley Television Corp. v. F.C.C., Case No. 13992, D.C. Cir., May 8, 1959) held that rulemaking proceedings which involve the "resolution of conflicting private claims to a valuable privilege" must as a matter of basic fairness be "carried on in the open" (slip opinion, p. 6). The alternative basis of the court's decision (slip opinion, p. 7) is that the Commission's existing rules, which apply to all rulemaking proceedings, prohibit the submission of materials, formally or informally, after the cut-off date, except where submittals are requested by the Commission or upon a showing of good cause. The court also implied (fn. 9) that § 1.218 of the Commission's rules limits the Commission in all rulemaking proceedings to consideration of comments and materials "of record". The purpose of § 1.218 was to guarantee to all interested persons that comments which were submitted in accordance with the procedures set forth in § 1.213 would be considered by the Commission before it took final action in a rulemaking proceeding. It was not intended to preclude the informal submission of other information and arguments, or to preclude the Commission from considering other data or material which might be available to it, but persons submitting materials informally were given no guarantee that these materials would be considered by the Commission. The proposed (rule) § 1.214(b) makes it clear that generally in rulemaking matters the Commission may consider any materials bearing upon the proceeding regardless of when and in what form they are made available to it. Proposed (rule) § 1.215 sets forth the procedures to be followed in those cases which must be given special consideration.

3. There have in the past been three types of rulemaking proceedings: (1) Those involving procedural rules and certain other classes in which no formal proceedings are required (see § 1.211 of the Commission's rules, 47 C.F.R. 1.211); (2) those in which the Commission is required to consider all relevant comments; and (3) those which are required by statute to be made on the record after opportunity for a Commission hearing (see § 1.214 of the Commission's rules, 47 CFR 1.214). The instant proposals affect only those proceedings in the second class listed above, that is substantive rules which are not required by statute to be made on the record after opportunity for a Commission hearing.

4. The proposed rules contemplate two separate procedures after issuance of the notice of proposed rulemaking. Section 1.214 will govern in rule making cases generally. Section 1.215 will govern in those cases wherein the circumstances indicate that the comments of interested persons should be limited to the record. As provided in § 1.212(f), the Commission will announce in its notice of proposed rulemaking which of the two sections will govern the proceeding. The pro-

posed rules do not attempt to resolve the question as to which rulemaking proceedings come within the court's ruling. We do not believe it is feasible to write a standard into the rules at this time; hence, that question is left to the Commission for resolution on a case by case basis.

5. The substantive changes have been described above. The rules would in some cases be reorganized and renumbered. The formal changes are set forth herewith:

Section 1,212(f) is new. The first part of § 1,213 is new. The second part incorporates present § 1,214, as modified to reflect numbering changes.

The introductory passage to § 1.214(a) is new. Subparagraphs (1), (2), and (3) correspond to present paragraphs (a), (b), and (c) of § 1.213, except that the last three words of paragraph (a) have been deleted. Subparagraph (4) restates present § 1.215, which has been deleted. Subparagraph (5) restates paragraph (d) of present § 1.213, which has been deleted. Subparagraph (6) restates the first part of present § 1.218, which has been deleted. Paragraph (b) is new.

Paragraphs (a), (b), and (c) of § 1.215 correspond to paragraphs (a), (b), and (c) of present § 1.213, except that the last three words of paragraph (a) have been deleted. Paragraph (d) restates present § 1.215, which has been deleted. Paragraph (e) restates paragraph (d) of present § 1.213, which has been deleted. Paragraph (f) restates the first part of present section 1.218, which has been deleted. Paragraphs (g), (h), and (i) are new.

Section 1.216 is modified to reflect numbering changes. Section 1.218 restates the second part of present § 1.218.

6. The rules as amended would provide as follows:

§ 1.212 Content of notice.

A notice of the proposed issuance, amendment, or repeal of a rule will include (a) a statement of the time, nature and place of any public rulemaking proceeding to be held; (b) reference to the authority under which the issuance, amendment or repeal of a rule is proposed; (c) either the terms or substance of the proposed rule or a description of the subjects and issues involved: (d) the docket number assigned to the proceeding; (e) a statement of the time for filing comments and replies thereto; and (f) a statement whether the proceeding will be conducted under the provisions of § 1.214 or § 1.215.

§ 1.213 Procedures governing rulemaking proceedings.

Rulemaking proceedings will be conducted under the provisions of § 1.214 unless the Commission finds that they should be conducted under the provisions of § 1.215, or when they are required by law to be conducted on the record after opportunity for a Commission hearing, in which case the requirements of sections 7 and 8 of the Administrative Procedure Act and applicable provisions of Subparts A and B of this part will govern in place of § 1.214 or § 1.215.

§ 1.214 Rulemaking procedures, general.

(a) Persons desiring to obtain consideration of data, views, or arguments are assured of such consideration in accordance with the following procedures:

(1) After notice of proposed rulemaking has been issued, the Commission will afford interested persons an opportunity to participate in the rulemaking proceeding through submission of written data, views, or arguments, with or without the opportunity to present the same orally.

(2) A reasonable time will be provided for submission of comments in support of or in opposition to proposed rules, and the time provided will be specified in the notice of proposed rulemaking.

(3) A reasonable time will be provided for filing comments in reply to the original comments, and the time provided will be specified in the notice of proposed rulemaking.

(4) Comments and reply comments should conform to the requirements of §§ 1.52 and 1.54.

(5) The Commission may request additional comments and, upon a showing of good cause, may authorize the filing of comments, reply comments or additional comments submitted after the date specified in the notice of proposed rule-making.

(6) Comments filed in accordance with subparagraphs (1) through (5) of this paragraph will be considered by the Commission before final action is taken in a rulemaking proceeding.

(b) The Commission may consider such other oral or written data, views or information as may be made available to it before final action is taken in a rule-making proceeding conducted under this section.

§ 1.215 Rulemaking procedures, special.

(a) After notice of proposed rulemaking has been issued, the Commission will afford interested persons an opportunity to participate in the rulemaking proceeding through submission of written data, views, or arguments, with or without the opportunity to present the same orally.

(b) A reasonable time will be provided for submission of comments in support of or in opposition to proposed rules, and the time provided will be specified in the notice of proposed rulemaking.

(c) A reasonable time will be provided for filing comments in reply to the original comments, and the time provided will be specified in the notice of proposed rulemaking.

(d) Comments and reply comments should conform to the requirements of §§ 1.52 and 1.54.

(e) The Commission may request additional comments and, upon a showing of good cause, may authorize the filing of comments, reply comments or additional comments submitted after the date specified in the notice of proposed rulemaking.

(f) Comments filed in accordance with paragraphs (a) through (e) of this section will be considered by the Commission before final action is taken in a rulemaking proceeding.

(g) Except as provided in paragraphs (a) through (e) of this section, written materials bearing upon matters in issue in a rulemaking proceeding conducted under this section shall not be submitted to, and will not be considered by, the Commission or the Commission staff in connection with the pending proceeding.

(h) No person shall consult with an individual Commissioner or any staff member with regard to matters at issue in any rulemaking proceeding conducted under this section during such time as it is pending before the Commission, without notifying all parties to the proceeding and giving them an opportunity to

be present.

(i) Nothing in this section shall be construed to prohibit the Commission from considering relevant information made available to it prior to the issuance of the notice of proposed rulemaking; information of which it may take official notice; information obtained through consultation with the Commission staff; or any other information available to it and not eliminated from consideration by paragraphs (g) and (h) of this section.

§ 1.216 Further notice of rulemaking.

In any rulemaking proceeding where the Commission deems it warranted, a further notice of proposed rulemaking will be issued with opportunity for interested persons to submit comments in conformity with § 1.214 or § 1.215.

§ 1.218 Commission action.

The Commission will issue a report and order incorporating its finding and a brief statement of the reasons therefor.

- 7. The Commission is of the view that rulemaking proceedings should be instituted in this matter in order that all interested parties may submit their views.
- 8. Authority for the adoption of the amendments herein proposed is contained in sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended.
- 9. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 24, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments.
- 10. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 22, 1959. Released: July 24, 1959.

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6242; Filed, July 28, 1959; 8:50 a.m.]

I 47 CFR Part 19 1

1 47 CIRPUIT 17 1

[Docket No. 12987; FCC 59-768]

CITIZENS RADIO SERVICE

Notice of Proposed Rule Making

In the matter of amendment of Part 19 Citizens Radio Service, to redefine the permissible communications in that service, and to specify a time limitation thereon; Docket No. 12987.

1. Notice is hereby given of proposed rule making in the above entitled matter.

- 2. By its Second Report and Order in Docket No. 11994 (FCC 58-798), published in the Federal Register of August 9, 1958, the Commission completely revised its rules governing the Citizens Radio Service and, among other things, established a new class of station in that service (Class D) for operation with radiotelephone emissions on certain frequencies in the 26.96-27.28 Mc band, to fulfill an apparent need for short-distance voice communications by radio for personal or business use.
- 3. On the basis of numerous inquiries and reports received by the Commission, it now appears that although the preponderance of the uses proposed to be made of radio stations in the service is within the general classes contemplated by the Commission when the service was first established, a considerable number of individuals may be planning the operation of facilities in this service for the sole purpose of making random "contacts" with distant or unknown stations, or for engaging in lengthy general discussions with the operators of other similar stations, in more-or-less the manner which is customary in the Amateur Radio Service. It appears that such amateur-type operation, if engaged in to any extent, could result in intolerable interference to those persons operating radio facilities in this service to meet their needs for short distance communications by radio directed to specific persons or stations on personal or business matters. It also appears that the public interest requires that this latter type of communications be protected from unwarranted interference.
- 4. Accordingly, the Commission proposes to amend §§ 19.3 and 19.61 of its rules governing the Citizens Radio Service as set forth below, so as to more clearly define the scope of permissible communications in that service and simultaneously to establish a limitation on the duration of any one transmission or exchange of communications between stations in the service. The proposed provisions will be made more particularly applicable to Class D stations in the service, because it is in connection with the use of that class of station that the greatest interference problems are expected to occur. In addition, § 19.61 is proposed to be amended so as to permit the joint, shared or cooperative use of a Class A station by two or more licensees, under certain circumstances.
- 5. The foregoing proposed amendments, which are set forth in detail below, are issued under the authority of sections 4(i) and 303 of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before September 29, 1959, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commision will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of statements, briefs, an comments filed shall be furnished the Commission.

Adopted: July 22, 1959. Released: July 24, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
MANY JAME MORRIS

[SEAL] MARY JANE MORRIS, Secretary.

1. It is proposed to amend § 19.3 to read as follows:

§ 19.3 Policy governing the assignment of frequencies.

- (a) The frequencies which may be assigned to Class A stations in the Citizens Radio Service, and the frequencies which are available for use by Class B, Class C, or Class D stations, are listed in Subpart C. Each frequency available for assignment to, or use by, stations in this service is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant; however, the use of a particular frequency may be restricted to (or in) one or more specified geographical areas.
- (b) In no case will more than one frequency be assigned to Class A stations for the use of a single applicant in any given area until it has been demonstrated conclusively to the Commission that the assignment of an additional frequency is essential to the operation proposed.
- (c) All applicants and licensees in this service shall cooperate in the selection and use of the frequencies assigned or authorized, in order to minimize interference and thereby obtain the most effective use of the authorized facilities. Continuous or uninterrupted transmissions from a single station or between a number of inter-communicating stations is prohibited, except for communications involving the safety of life, the protection of property, or civil defense operations as provided in § 19.93.
- 2. It is proposed to amend § 19.61 to read as follows:

§ 19.61 Permissible communications.

(a) Each Class A, Class B, or Class D station in this service may communicate

with any other station in the Citizens Radio Service. Communication with stations licensed under other parts of this chapter, or with United States Government or foreign stations, is prohibited except for communications relating to civil defense in accordance with the provisions of § 19.93.

(b) No person operating a station in this service shall knowingly interfere with or interrupt the communications of other stations which involve the safety of life or the protection of property.

(c) All communications shall be limited to the minimum possible transmission time. During any fifteen-minute period, the total transmission time for any unit of a Class D station, whether a single continuous transmission or a series of separate transmissions, shall not exceed a total of five minutes except in the case of inter-communication between units of the same licensee, or except in the case of communications involving the safety of life, the protection of property, or civil defense operations as provided in § 19.93.

(d) All transmissions from a Class D station must be addressed to specific persons or stations; any communication addressed to stations in general (such as by use of the general call "CQ"), for the purpose of conducting random com-munications with unknown stations, is prohibited except in cases of emergency involving the safety of life, the protection of property, or civil defense opera-

tions as provided in § 19.93.

(e) Subject to the provisions of paragraph (a) of this section, any station licensed in this service may be used for communication by or on behalf of any person, when authorized by the station licensee, on a strictly voluntary and nocharge basis; however, any joint, shared or cooperative use of the same unit of any station by two or more persons, for the purpose of communicating on a regular basis with other units of their respective stations, is prohibited unless specifically authorized in writing by the Commission. Such authorization will be granted only to Class A stations upon a showing, satisfactory to the Commission, that participation by the licensee in such joint, shared or cooperative use is not incidental to some other service or activity engaged in by the licensee for which he receives compensation or remuneration from the other party and that the licensee has full access to and exclusive control over the radio equip-ment operated under the authority of the license held by him; and upon a further showing either that no form of remuneration or compensation, direct or indirect, will be received for such use by the licensee of the station used, or that such joint, shared or cooperative use is on a non-profit, cost-sharing basis pursuant to a written contract between the parties concerned. Such contract shall clearly establish that contributions to capital and operating expenses are accepted only on a cost-sharing, nonprofit basis, said costs to be prorated on an equitable basis among all parties to the agreement. Records which reflect the cost of the service and its non-profit, cost-sharing nature shall be maintained by the station licensee and held available for inspection by Commission representatives.

(f) A citizen's radio station may not be used for any purpose or in connection with any activity which is contrary to Federal, State, or local law; or to carry communications for hire; or to carry program material of any kind either directly or indirectly for use in connection with radio broadcasting; or for the transmission of music or any other material intended solely for entertainment purposes; or for direct transmission .to the public through public address systems or by any other means.

(g) A citizens radio station may transmit a continuous carrier, without being modulated by any form of communication or signal, under the following con-

ditions only:

(1) When transmitting for brief tests or when adjustments are being made to the transmitter; or

(2) When a station which is being used to control model aircraft by means of interrupted tone modulation is actually controlling such aircraft in flight.

(h) Except as provided in paragraph (g) of this section, a citizens radio station used to control remote objects or devices by means of radio, or to remotely actuate devices which are used as a means of attracting attention, shall not be operated in a manner which involves of the authorized facilities. the continuous radiation of energy.

(i) Except as provided in paragraph (g) of this section, a citizens radio station which is used for the purpose of communication by radiotelegraphy of any type shall not emit a carrier wave except when telegraph signals are being transmitted.

(j) The licensee of any station in this service may, during a period of emergency in which normal communication facilities are disrupted or inadequate as a result of hurricane, flood, earthquake, enemy action, or similar disaster, utilize such station for emergency communications without regard to the provisions of paragraphs (a), (c), (d) and (e) of this section, under the following conditions:

(1) As soon as possible after the beginning of such emergency use, notice shall be sent to the Commission in Washington, D.C., or to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the emergency and the use to which the station is being put;

(2) The emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and the Commission in Washington, D.C., or the Engineer in Charge, shall be notified immediately when such special use of the station is

terminated; and

(3) The Commission may at any time order discontinuance of such special use

[F.R. Doc. 59-6243; Filed, July 28, 1959; 8:50 a.m.1

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army BYRON C. HEACOCK

Statement of Personal Business Interests

Pursuant to section 101(a) of Executive Order 10647 (section 710(b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Byron C. Heacock on 7 July 1959 in the Department of the Army. Mr. Heacock is serving as Chief of the San Francisco Ordnance District, San Francisco, California.

Mr. Heacock is presently retired.

Mr. Heacock's statement of his personal business interests is attached.

Dated: July 23, 1959.

JOHN W. MARTYN, Administrative Assistant.

STATEMENT OF PERSONAL BUSINESS INTERESTS

The following statement lists the names of concerns required by section 302(b) of Executive Order 10647, dated 28 November 1955 (subsection 710(b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding

this appointment have been, an officer or director:

a. Caterpillar Tractor Co., Peoria, Ill.: Director.

b. South Pacific Airlines, Inc., San Francisco, Calif .: Director,

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests:

a. F. E. Booth Co., San Francisco: Stockholder and note holder.

b. Caterpillar Tractor Co., Peoria, Ill.: Stockholder.

c. Oakland Bank of Commerce, Oakland. Calif.: Stockholder.

d. Scott Paper Co., Chester, Pa.: Stockholder.

e. South Pacific Airlines, Inc., San Francisco, Calif ..: Stockholder.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

Dated: July 16, 1959.

BYRON C. HEACOCK.

[F.R. Doc. 59-6229; Filed, July 28, 1959; 8:48 a.m.1

DEPARTMENT OF THE INTERIOR

Bureau of Land Management [Classification No. 13; Amdt. 4]

ALASKA PUBLIC SALE ACT

JULY 22, 1959.

Pursuant to the authority delegated to me under section 2.5 of Bureau Order No. 541 of April 21, 1954, (19 F.R. 2473) as amended, Alaska Public Sale Classification No. 13 of December 29, 1953, as amended, is hereby further amended as follows:

The classification for industrial and commercial purposes only, which was applied to the lands in Lot 13 of Tract B of U.S. Survey 3292 is revised to include in addition classification for housing purposes. This amendment will take effect immediately.

RICHARD L. QUINTUS, Operations Supervisor.

[F.R. Doc. 59-6234; Filed, July 28, 1959; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF THE ATLANTIC PASSENGER STEAMSHIP CONFERENCE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 7840-34, between the member lines of the Atlantic Passenger Steamship Conference, modifies the Annex to the basic agreement of that conference (No. 7840, as amended), which governs all Atlantic passenger traffic carried by such lines between European, Mediterranean and Black Sea countries, also ports of Morocco, Madeira and the Azores Islands, on the one hand, and ports on the East Coast of North America, including United States, Canada, and Newfoundland, and United States Gulf ports, on the other hand. The purpose of the modification is to clarify the understanding of the member lines that the present reductions granted to agents, responsible clerks of general agents, their wives and children, and to blind persons accompanied by conductors, will apply to round-trips as well as to one-way passage.

(2) Agreement No. 8392, between Compania Maritima Orlanda, S.A., and Ostberg Line and Americana Shipping Corporation, covers an arrangement whereby Orlanda will charter space on its vessels for use of Ostberg and Americana in their alternate weekly joint service sailings in the trade from New York, Baltimore and/or Philadelphia to certain designated ports on the East Coast of Central America, upon terms and conditions set forth in the agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 24, 1959.

By order of the Federal Maritime Board.

[SEAL]

James L. Pimper, Secretary.

[F.R. Doc. 59-6228; Filed, July 28, 1959; 8:47 a.m.]

Office of the Secretary MAX LARRY BLUESTONE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register.

A. Deletions: Merritt, Chapman & Scott. B. Additions: American Metal Climax, Inc., General Telephone & Electronics, Universal Oil Products.

This statement is made as of July 8,

MAX LARRY BLUESTONE.

JULY 8, 1959.

[F.R. Doc. 59-6222; Filed, July 28, 1959; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2261]

IDAHO

Notice of Land Withdrawal

JULY 23, 1959.

In the matter of Lolo-Divide Creek Transmission Line, the Washington Water Power Company.

Conformable to the provisions of section 24 of the Federal Power Act a Notice of Land Withdrawal was issued, June 18, 1959 (24 F.R. 5124–5: June 23, 1959), reserving 30.84 acres of lands of the United States for transmission line right-of-way purposes pursuant to the filing of application for license on April 21, 1959, by The Washington Water Power Company for Project No. 2261.

A further examination of the project application discloses that the applicant also desired to obtain rights-of-way across parcels of lands of the United States for the location of access road rights-of-way, the alignments of which have not been determined by actual survey.

Therefore, in accordance with section 24 of the Federal Power Act notice is

hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in the above-cited project and are, from the date of filing of the aforesaid application, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

BOISE MERIDIAN

A strip of land 100 feet in width (unsurveyed) within the following described subdivisions for future access road rights-of-way locations as indicated upon the maps transmitted with the notice of June 18, 1959:

T. 29 N., R. 3 W., Sec. 5: SE¼NW¼; Sec. 19: SW¼SE¼; Sec. 30: NW¼NE¼. T. 30 N., R. 3 W. Sec. 6: Lot 5; Sec. 32: Lot 7. T. 31 N., R. 3 W., Sec. 8: NE¼NE¼; Sec. 9: NW¼NW¼. T. 30 N., R. 4 W., Sec. 12: E½NE¼.

The total area of the subdivisions listed above reserved pursuant to this notice is approximately 361.64 acres, which will be subject to reduction upon the filing of map exhibits delimiting the rights-of-way as surveyed.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-6203; Filed, July 28, 1959; 8:45 a.m.]

[Project No. 137]

CALIFORNIA

Notice of Modification of Land Withdrawal

JULY 23, 1959.

In the matter of Pacific Gas and Electric Company, Mokelumne River Development.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, this Commission gave notice, to the Bureau of Land Management, on October 20, 1952, of the reservation of 103.29 acres of land of the United States pursuant to the filing, on December 26, 1951, of an application for amendment of license, by the Pacific Gas and Electric Company.

The Licensee on May 30, 1959, filed an application for further amendment of license, supported by revised map exhibits, filed April 1, 1959, superseding the exhibits which were the basis of the aforesaid withdrawal notice. These exhibits define the project boundaries of the various structures as constructed, thereby requiring a modification of the previous withdrawal notice to include additional land necessary for this project.

Therefore, in accordance with section 24 of the Act of June 10, 1920, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in Project No. 137 and are, from the date of filing of completed application for amendment on April 1, 1959, reserved

from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

LOWER BEAR RIVER RESERVOIR

All portions of the following described subdivisions lying within the project boundaries as delimited upon map designated "Exhibit K-12-F" (F.P.C. No. 137-153) entitled Lower Bear River Reservoir, Mckelumne River Development; superseding "Exhibit K-12-F" (F.P.C. No. 137-69) and superseding in part "Exhibit K-11-F" (F.P.C. No. 137-69) "Ezhibit K-11-E" (F.P.C. No. 137-68).

T. 8 N., R. 15 E.,

Sec. 13: SE¼SE¼SE¼; Sec. 24: NE¼NE¼NE¼NE.

T.8 N., R. 16 E., Sec. 9: SE¼SW¼NW¼, E½SW¼SW¼

Sec. 17: S½SW¼SW¼NW¼; Sec. 19: NW¼ of Lot 1, S½ of Lot 1. All portions of the following described subdivisions lying within the project as delimited upon map designated "Exhibit K-11-F" (F.P.C. No. 137-152) entitled Bear River Conduit, Mokelumne River Development; superseding, in part "Exhibit K-11-E" (F.P.C. No. 137-68).

BEAR RIVER CONDUIT

T. 8 N., R. 16 E.,

Sec. 33: E1/2SW1/4

Tunnel Sluice, including Valvehouse, Tunnel, pipe and channel rights-of-ways of various widths. T. 8 N., 16 E.,

Sec. 28: SE14SW14, SW14SE14; Sec. 33: NW 4NE 4, N 2SW 4NE 4.

COLD CREEK DIVERSION TUNNEL

T. 8 N., R. 16 E.,

Sec. 28: NE1/4NE1/4SW1/4.

A tract, for Road, from Salt Springs Powerhouse to Tramway.

T. 8 N., R. 16 E.,

Sec. 33: SE1/4 SE1/4 SE1/4 NW1/4.

The additional area reserved for this project by this modification, is approximately 75.74 acres, all of which is within the El Dorado National Forest. Approximately 3.26 acres, part of Bear River conduit, have been heretofore reserved, under this project (No. 137), for the Salt Springs Development.

Copies of revised map Exhibits K-11-F (F.P.C. No. 137-152) and K-12-F (F.P.C. No. 137–153) have been transmitted to the Bureau of Land Management, Forest Service, and Geological Survey.

> JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-6204; Filed, July 28, 1959; 8:45 a.m.1

FEDERAL COMMUNICATIONS COMMISSION -

[Docket Nos. 12825 etc.; FCC 59M-937]

BINDER-CARTER-DURHAM, INC., ET AL.

Notice of Further Prehearing Conference

In re applications of Binder-Carter-Durham, Inc., Lansing, Michigan, Docket No. 12825, File No. BP-11565; Herbert T. Graham, Lansing, Michigan, Docket No. 12826, File No. BP-12526; Triad Televi-

sion Corporation, Lansing, Michigan, Docket No. 12942, File No. BP-12980; for construction permits for standard broadcast stations.

A further prehearing conference will be held Thursday, September 10, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: July 22, 1959.

Released: July 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS.

Secretary. [F.R. Doc. 59-6244; Filed, July 28, 1959; 8:50 a.m.]

FOREIGN CLAIMS SETTLEMENT **COMMISSION OF THE UNITED**

GOVERNMENT OF CZECHOSLOVAKIA Extension of Time for Filing Claims

Notice was published in the FEDERAL REGISTER on Page 7161 on September 16, 1958 that pursuant to section 1, Public Law No. 85-604, approved August 8, 1958, which further amended the Interna-tional Claims Settlement Act of 1949, as amended, the Foreign Claims Settlement of the United States would receive, during the period ending at midnight August 1, 1959, claims of United States nationals against the Government of Czechoslovakia for losses resulting from the nationalization or other taking of property, including any rights or interests therein, on or after January 1, 1945, in accordance with the terms and conditions prescribed in such Public Law and in accordance with the regulations of the Commission made with respect thereto.

Notice is further given that the time for filing such claims is extended to midnight September 15, 1959.

Dated: July 24, 1959.

WHITNEY GILLILLAND, Chairman, Foreign Claims Settlement Commission of the United States.

[F.R. Doc. 59-6245; Filed, July 28, 1959; 8:50 a.m.]

GENERAL SERVICES ADMINIS-TRATION

CALCINED ALUMINA HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 6,000 short tons of calcined alumina now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that, because of obsolescence of such alumina for use in time of war, there is no longer any need for stockpiling said material.

GSA proposes to offer said calcined alumina for sale on a competitive basis. It is proposed to offer the entire quantity for sale at one time, since the quantity is very small in relation to domestic

consumption.

This plan of disposition has been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

It is proposed to make the calcined alumina covered by this notice available for sale or transfer beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 23, 1959.

FRANKLIN FLOETE. Administrator of General Services.

[F.R. Doc. 59-6207; Filed, July 28, 1959; 8:46 a.m.1

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1997]

CORN PRODUCTS CO. (DELAWARE)

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JULY 23, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Corn Products Company (Delaware) common stock; File No. 7-1997.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 7, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information

contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F.R. Doc. 59-6217; Filed, July 28, 1959; 8:46 a.m.]

TARIFF COMMISSION

TOWELING OF FLAX, HEMP, OR RAMIE

Second Periodic Report

JULY 24, 1959.

The United States Tariff Commission today submitted to the President its second periodic report on the developments in the trade in toweling of flax, hemp, or ramie since the "escape clause" action on July 25, 1956, withdrawing the concession granted in the General Agreement on Tariffs and Trade on such toweling classifiable under paragraph 1010 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401, which order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to domestic industry concerned.

In submitting its second report to the President under Executive Order 10401 with respect to toweling of flax, hemp, or ramie, the Commission advised the President-that the conditions of competition between imported and domestic toweling had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of the order. This means that, in the Commission's view, the developments in the trade in toweling of flax, hemp, or ramie do not warrant a formal inquiry into the question of whether a reduction in the duty on such toweling could be made without resulting in serious injury to the domestic industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington E.S. P. C. S.

ington 25, D.C.

[SEAL]

Donn N. Bent, Secretary.

[F.R. Doc. 59-6231; Filed, July 28, 1959; 8:48 a.m.]

STAINLESS-STEEL FLATWARE Supplemental Report

JULY 24, 1959.

The U.S. Tariff Commission today submitted to the President a supplement to its report of January 10, 1958, on the "escape clause" investigation of stainless-steel table flatware which was made under section 7 of the Trade Agreements Extension Act of 1951, as amended. In

its original report the Commission unanimously found that stainless-steel table flatware was being imported into the United States in such increased quantities as to cause serious injury to the domestic industry producing like products. The six members of the Commission, however, divided three to three on the action that was necessary to remedy the injury. The supplemental report was prepared in response to a letter of March 7, 1958, from the President, requesting additional information.

The supplemental report gives, for stainless-steel table flatware, data on production, imports, exports, employment, and on the profit-and-loss experience of domestic producers through 1958.

Copies of the Commission's report are available as long as the limited supply lasts. Address requests to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

[SEAL]

Donn N. Bent, Secretary.

[F.R. Doc. 59-6232; Filed, July 28, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 27]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

JULY 24, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7 of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FeD-ERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGIS-TER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 111231 (Sub No. 34), (REPUB-LICATION), filed November 10, 1958, published issue Federal Register March 26, 1959. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Grandfather authority sought under section 7

of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, coffee beans, tea, wool tops and noils, and wool waste (carded spun, woven, or knitted), in straight and in mixed loads with certain exempt commodities, from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin.

Note: Common control may be involved. The purpose of this republication is to include the transportation of certain exempt commodities in straight and in mixed loads, with the above commodities.

No. MC 118299, (REPUBLICATION), filed December 9, 1958, published issue of FEDERAL REGISTER, April 9, 1959. Applicant: D. K. BRADSHAW AND D. D. BRADSHAW, Doing business as BRADSHAW PRODUCE & TRUCKING, P.O. Box 455, Shelbina, Mo. Grandfather authority sought under Section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, in straight and mixed loads with certain exempt commodities, from Mobile, Ala., and New Orleans, La., to points in Alabama, Illinois, Indiana, Kentucky, Missouri, Tennessee, and Texas.

Note: The purpose of this republication is to include certain exempt commodities and to reflect applicant's correct trade name as shown above.

By the Commission.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-6224; Filed, July 28, 1959; 8:47 a.m.]

[Notice 94]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 24, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c) (8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience

should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2309 (Deviation No. 6), GIL-LETTE MOTOR TRANSPÓRT, INC., 2311 Butler Street, Dallas, Tex., filed July 10, 1959. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route, between Houston, Tex., and Davis Mountain Station, Tex., as follows: From Houston over U.S. Highway 290 to Hempstead, thence over Texas Highway 6 to Waco, thence over U.S. Highway 84 to Gatesville, thence over Texas Highway 36 to Commanche, thence over U.S. Highway 67 to Fort Stockton, thenceover U.S. Highway 290 to junction U.S. Highway 80 at Davis Mountain Station and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Houston and Davis Mountain Station over the following route: From Houston over U.S. Highway 75 to Dallas, thence over Texas Highway 114 to Grapevine, thence over Texas Highway 121 to Fort Worth, and thence over U.S. Highway 80 to Davis Mountain Station.

No. MC 67642 (Sub No. 2) (Deviation No. 6) HALL'S MOTOR TRANSIT COMPANY, P.O. Box 738, Sunbury, Pa., filed July 14, 1959. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route, as follows: From Port Matilda, Pa., over U.S. Highway 220 to junction U.S. Highway 22 at Hollidaysburg, Pa., thence over U.S. Highway 22 to junction U.S. Highway 422 near Edensburg, Pa., thence over U.S. Highway 422 to New Castle, Pa., thence over U.S. Highway 224 to junction Ohio Highway 7, thence over Ohio Highway 7 to the Ohio Turnpike Interchange No. 16 (Youngstown Interchange), thence over the Ohio Turnpike and access routes to Interchange No. 10 (Strongsville-Cleveland Interchange), thence over U.S. Highway 42 to Cleveland, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from State College, Pa., over U.S. Highway 322 via Martha Furnace, Port Matilda, and Clearfield to Grampian, and thence over U.S. Highway 219 to Du Bois, Pa.; from Du Bois over U.S. Highway 322 to Franklin, and thence over U.S. Highway 62 to Oil City, Pa.; and from Oil City over U.S. Highway 62 via Franklin, Pa., to Sandy Lake, Pa., thence over Alternate U.S. Highway 322 (formerly Pennsylvania Highway 358) to Greenville. Pa., thence over Pennsylvania Highway 358 to the Pennsylvania-Ohio State line. thence over Ohio Highway 88 to Parkman, Ohio, thence over U.S. Highway 422 to Chagrin Falls, Ohio, and thence over

in identification and protests if any unnumbered highway to Cleveland; and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCoy,

Secretary.

[F.R. Doc. 59-6225; Filed, July 28, 1959; 8:47 a.m.]

[Notice 158]

MOTOR CARRIER TRANSFER **PROCEEDINGS**

JULY 24, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's suecial rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their

petitions with particularity.
No. MC-FC 35339. By order of July 21, 1959, the Transfer Board approved the lease for one year to Duplantis Truck Line, Inc., Houma, La., of Certificate in No. MC 57887 Sub 1, issued July 20, 1951, to Elwin J. Duplantis, doing business as Duplantis Truck Line, Houma, La., authorizing the transportation of: Lumber, from points in Mississippi to Houma, La.; Household goods, between Houma, La., and points within 25 miles thereof, on the one hand, and, on the other, points in Mississippi and Texas; and Ma-chinery, equipment, materials, and supplies, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, between Houma, La., on the one hand, and, on the other, points in Mississippi on and south of U.S. Highway 80, and points in Texas within 400 miles of Houma.

No. MC-FC 62037. By order of July 21. 1959, the Transfer Board approved the transfer to Rudeens, Inc., Michaud, Idaho, of a portion of Certificate No. MC 112504, issued September 24, 1951, to Leo J. Handy, Heyburn, Idaho, authorizing the transportation of: Wooden fence posts, lumber, and millwork, from Portland, Eugene, Klamath Falls, St. Helens, Baker, Union, LaGrande, and Pondosa, Oreg., and points within five miles of each to points in Cassia, Minidoka, Gooding, Twin Falls, Lincoln, Jerome, Bingham, Bonneville, Bannock, and Franklin Counties, Idaho; and damaged, defective and returned shipments of the above-described commodities, from the above-specified destination points to the above-designated origin points. Robert E. Bakes, Twin Falls Bank and Trust Building, Twin Falls, Idaho, for applicants.

No. MC-FC 62200. By order of July 21, 1959, the Transfer Board approved the transfer to Charles A. Ford of Dayton, Ohio, Certificate No. MC 34572 issued June 13, 1941, in the name of Harry Ford of Dayton, Ohio, authorizing the transportation of household goods, over irregular routes, between points in Montgomery County, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Pennsylvania and West Virginia, traversing Maryland for operating convenience only. Floyd G. McWilliams, 826 Reibold Building, Dayton 2, Ohio, for applicants.

No. MC-FC 62242. By order of July 21, 1959, the Transfer Board approved the transfer to Larry Gilmore, doing business as Gilmore Truck Line, Highland, Kans., of Certificate No. MC 1818, issued April 4, 1949, to Quentin Herring, Sparks, Kans., authorizing the transportation of: Livestock, from Sparks, Kans., to St. Joseph, Mo., with service from intermediate and off-route points within ten miles of Sparks, restricted to pick-up only; and brick, feed, sand, and livestock, from St. Joseph, Mo., to Sparks, Kans., with service to intermediate and offroute points within ten miles of Sparks,

restricted to delivery only.

No. MC-FC 62410. By order of July 21, 1959, the Transfer Board approved the transfer to S. F. Douglas, an individual. doing business as S. F. Douglas Truck Line, 2330 West County Road C, St. Paul, Minn., of Certificates in Nos. MC 114606 and MC 114606 Sub 1, issued December 17, 1954 and July 8, 1955, respectively, to S. F. Douglas Truck Line, Inc., 2330 West County Road C, St. Paul, Minn., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Fargo. N. Dak., and St. Paul, Minn., serving the intermediate and off-route points of Minneapolis and South St. Paul, Minn., and sugar from Moorhead, Minn., to Ortonville, Minn.

[SEAL] HAROLD D. McCoy. Secretary.

[F.R. Doc. 59-6226; Filed, July 28, 1959; 8:47 a.m.]

[Notice 280]

MOTOR CARRIER APPLICATIONS

JULY 24, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEAR-ING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub No. 329), filed May 6, 1959. Applicant: DEALERS TRAN-

SIT. INC., 12601 South Torrence Avenue, Chicago 33, Ill., Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Trailers, semi-trailers, trailer chassis, semi-trailer chassis, other than those designed to be drawn by passenger automobile, in initial movement by truckaway and driveaway, from Joplin, Mo., to points in the United States; and (2) tractors, in secondary movements, via driveaway ONLY when drawing trailers moving in initial movement by the driveaway method, from Joplin, Mo., to points in Alaska, Arizona, Nevada, Oregon, and Vermont. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 16, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 4405 (Sub No. 330), filed May 6, 1959. Applicant: DEALERS TRANS-IT. INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Trailers, semi-trailers, trailer chassis, semi-trailer chassis, other than those designed to be drawn by passenger automobile, in initial movement, in truckaway and driveaway service, from Augusta, Kans., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; (2) Tractors, in secondary movements, in driveaway service, only when drawing trailers moving in initial movements by the driveaway method, from Augusta, Kans., to points in Alaska, Arizona, Nevada, Oregon, and Vermont. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 16, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 50132 (Sub No. 61), filed May 20, 1959. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Flour edible, and flour edible with over 40 percent other ingredients, in boxes, packages, and bags. from Trenton, Ill., and points in the St. Louis, Mo., Commercial Zone, as defined by the Commission, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, South Dakota, North Dakota, Tennessee, Texas, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

Note: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 50132 (Sub No. 38). Applicant has pending a common carrier application in Docket No. MC 113267 (Sub No. 2). Section 210, dual operations, may be involved.

HEARING: September 18, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner A. Lane Cricher.

No. MC 50132 (Sub No. 62), filed May 18. 1959. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a common or contract carrier, by motor vehicle, over irregular routes, transporting: Imported baling and binder twine, imported baling wire, imported barbed wire and wire fencing, and other imported agricultural wire and steel products, from Philadelphia, Pa., Wilmington, N.C., Charleston, S.C., Savannah, Ga., Mobile, Ala., Nor-folk, Va., New Orleans, La., and Beaumont and Houston, Tex., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

Note: A proceeding has been instituted under section 212(c) in No. MC 50132 (Sub No. 38) to determine whether applicant's status is that of a common or contract carrier. Applicant has a pending common carrier application under MC 113267 (Sub No. 2). Dual authority under section 210 may be involved.

HEARING: September 17, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William P. Sullivan.

No. MC 61396 (Sub No. 70), filed June 17, 1959. Applicant: HERMAN BROS., INC., 711 W.O.W. Building, P.O. Box 1237, Omaha, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Crude oils and its refined products, in bulk, in tank vehicles, between points in Harrison County, Mo., on the one hand, and, on the other, points in Iowa, Kansas, Nebraska, and Missouri. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, Nebraska, and South Dakota.

HEARING: September 23, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 62056 (Sub No. 6), filed March 26, 1959. Applicant: PAUL E. SCOTT. doing business as SCOTT TRUCK LINE. 321 East 13th, Hutchinson, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a common or contract carrier, by motor vehicle, over irregular routes, transporting: Frozen processed potato products, from points in Oregon to points in Kansas; and (2) Frozen juices, in cans and containers, from points in California and Oregon to points in Kansas. Applicant is authorized to conduct operations in Colorado, Kansas, Nebraska, and Oklahoma.

Note: A proceeding has been instituted under section 212(c) in No. MC 62056 (Sub to determine whether applicant's status is that of a common or contract carrier. Applicant has a pending application under MC 118207 (BOR 1). Dual operations under section 210 may be involved.

HEARING: September 28, 1959, at the Hotel Kansan, Topeka, Kans., before Examiner James I. Carr.

No. MC 83539 (Sub No. 50), filed June 8, 1959. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (a) Steel silos or storage tanks, enamel and glass lined, knocked down or in sections and (b) Component parts and accessories of steel silos or storage tanks, including silo loading and unloading devices, and materials incidental to the erection and completion of silos, when moving in connection with such silos or storage tanks. from points in Kankakee, Ill., Commercial Zone, including Kankakee, to points in Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Missis-sippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Utah. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: September 21, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William P. Sullivan.

No. MC 92983 (Sub No. 354), filed May 26, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Acids and chemicals, in bulk, from points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to points in Arkansas, Louisiana, Tennessee, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North

Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

HEARING: September 15, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 92983 (Sub No. 355), filed May 28, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, from Harrison County, Mo., to points in Iowa, Kansas, Missouri, and Nebraska. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: September 15, 1959, at the New Hotel Pickwick, Kansas City, Mo.,

before Examiner James I. Carr.

No. MC 92983 (Sub No. 358), filed June 2, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Beverages and spirits, in bulk, in tank vehicles, from Muscatine, Iowa, to points in Illinois, Indiana, Iowa, and Kentucky. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

HEARING: September 29, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before

Examiner William P. Sullivan.

No. MC 95540 (Sub No. 303), filed May 19, 1959. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, and meat by-products, and articles distributed by meat packing houses, from Postville, Iowa, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and those in Louisiana on and east of the Mississippi River. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Loui-

siana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennes-see, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: September 30, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William P. Sullivan.

No. MC 100449 (Sub No. 9), filed March 19, 1959. Applicant: FRANCIS MAL-LINGER, doing business as MALLINGER TRUCK LINES, 428 Avenue C, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sewer pipe, drain tile, flue lining, wall coping, mortar mix, and fire clay, from Lehigh, Iowa, to points in Colorado, Missouri, and Kansas. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: September 29, 1959, at the Federal Office Bldg., Fifth and Court Avenues, Des Moines, Iowa, before Exam-

iner William P. Sullivan.

No. MC 103993 (Sub No. 120), filed June 1, 1959. Applicant: MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Kansas, to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 2, 1959, at the Hotel Lassen, Wichita, Kans., before Ex-

aminer James I.' Carr.

No. MC 106398 (Sub No. 122), filed May 28, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Box 8096 Dawson Station, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Kansas except Great Bend, Newton, Wichita, and Coffeyville to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 2, 1959, at the Hotel Lassen, Wichita, Kans., before Ex-

aminer James I. Carr.

No. MC 106398 (Sub No. 125), filed June 8, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Portable grain dryers, in truckaway service, from the

site of American Farm Equipment plant, Crystal Lake, Ill., to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 21, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Ex-

aminer William P. Sullivan.

No. MC 106400 (Sub No. 19), filed June 1, 1959. Applicant: KAW TRANSPORT COMPANY, a Corporation, 701 North Sterling, Sugar Creek, Mo. Applicant's attorney: Henry M. Shughart, Commerce Building, Kansas City 6, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Acids and chemicals, in bulk, in specialized vehicles, between Lawrence, Kans., and points within fifteen (15) miles thereof, on the one hand, and, on the other, points in Missouri, Iowa, Nebraska, Oklahoma, and Arkansas. Applicant is authorized to conduct operations in Kansas, Missouri, Nebraska,

Iowa, Oklahoma, Arkansas, and Illinois. HEARING: September 11, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 109447 (Sub No. 3), filed March 16, 1959. Applicant: REFRIGERATED TRANSIT, INC., 1320 Cass Avenue, St. Louis, Mo. Applicant's attorney: B. W. La Tourette, Jr., 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes. transporting: The commodities classified as (A) meats, meat products and meat by-products, (B) dairy products, and (C) articles distributed by meatpacking houses, in the appendix to the report in Modification of Permits of Motor Contract Carriers of Packing House Products, 48 M.C.C. 628, from St. Louis, Mo., to Salem, Worcester and Springfield, Mass. Applicant is authorized to conduct operations from and to specified points in Indiana, Maine, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, the District of Columbia, Illinois, and Missouri.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 109447 Sub 1, to determine whether applicant's status is that of a contract or common carrier.

HEARING: September 21, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before

Examiner A. Lane Cricher.

No. MC 109889 (Sub No. 8), filed June 15, 1959. Applicant: E. A. MYERS, doing business as NABBS SERVICE, 33 East Main Street, Sabetha, Kans. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, Lincoln 8, Nebr. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, from New Athens, Ill., St. Louis, Mo., and Omaha, Nebr., to points in Cherokee. Crawford, Labette, and Montgomery Counties, Kans., and empty malt beverage containers, on return. Applicant is authorized to transport malt beverages from and to specified points in Illinois, Missouri, Nebraska, Kansas, Iowa, Oklahoma, Minnesota, and South Dakota.

Note: Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 66756. A proceeding has been instituted under section 212(c) in No. MC 109889 Sub No. 7, to determine whether applicant's status is that of a contract or

HEARING: September 25, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 109889 (Sub No. 9), filed June 15, 1959. Applicant: E. A. MYERS, doing business as NABBS SERVICE, 33 East Main Street, Sabetha, Kans. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, Lincoln 8, Nebr. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, from St. Paul and Minneapolis, Minn., to points in Kansas, and empty malt beverage containers, on return. Applicant is authorized to transport malt beverages from and to specified points in Illinois, Missouri, Nebraska, Kansas, Iowa, Oklahoma, Minnesota, and South Dakota.

Note: Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 66756. A proceeding has been instituted under section 212(c) in No. MC 109889 Sub No. 7, to determine whether applicant's status is that of a contract or common carrier.

HEARING: September 24, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 10420 (Sub No. 237), filed July 1959. Applicant: QUALITY CAR-RIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Food coloring, liquid (caramel color), in bulk, in tank vehicles, from Keokuk, Iowa, to points in Illinois, Indiana, Missouri, Michigan, Wisconsin, Ohio, Minnesota, and Arkansas; (2) Liquid chocolate and chocolate coating, in bulk, in tank vehicles, vehicles, from Waukegan, Ill., to points in Alabama, Georgia, Indiana, North Carolina, Ohio, Pennsylvania, South Carolina, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, Texas, Virginia, and Wisconsin, and Denver, Colo., Boston and North Abington, Mass., and New York and Rochester, N.Y.; and (3) Used vegetable oils, in bulk, in tank vehicles, from York, Nebr., to Clinton, Iowa. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: September 9, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William P. Sullivan.

No. MC 110988 (Sub No. 61), filed June 17, 1959. Applicant: KAMPO TRANSIT, INC., Congress Road, Neenah, Wis. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over

irregular routes, transporting: Acids and chemicals, in bulk, in tank vehicles, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kansas, Missouri, Michigan, Minnesota, Nebraska, and Ohio. Applicant is authorized to conduct operations in Alabama, Arizona, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massa-chusetts, Michigan, Minnesota, Mississippi, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee Texas, Virginia, West Virginia, and Wisconsin.

HEARING: September 16, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before

Examiner A. Lane Cricher.

No. MC 111401 (Sub No. 108), filed May 21, 1959. Applicant: GROENDYKE TRANSPORT, INC., 2204 North Grand, Enid, Okla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank vehicles, and empty containers or other such incidental facilities used in transporting petroleum products, between points in Texas on and north of U.S. Highway 66, on the one hand, and, on the other, points in Nebraska. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, Utah, and Wyoming.

HEARING: September 18, 1959, at the

New Hotel Pickwick, Kansas City, Mo.,

before Examiner James I. Carr.

No. MC 112020 (Sub No. 68), filed May 19, 1959. Applicant: COMMERCIAL OIL TRANSPORT, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Paints, resins, varnishes and lacquers, in bulk, in specialized equipment, from Kansas City, Mo., to Denver, Colo., Oklahoma City, and Tulsa, Okla., and points in Texas. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: September 21, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 112069 (Sub No. 8), filed July 14, 1958. Applicant: LIPSMAN-FULK-ERSON & COMPANY, a Corporation, 314 South 11th Street, Omaha, Nebr. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) (a) Fruit and citrus juices, and purees thereof; (b) Vegetable juices and purees thereof; (c) Mixed fruit and citrus juices, and purees thereof; (d) Mixed vegetable juices and purees thereof: (e) Pies: (f) Frozen mixed vegetables; (g) Frozen cooked vegetables; (h) Candied fruit, candied nuts, fruit cakes, gift fruit boxes and baskets and packages, including fresh, dried, otherwise preserved fruit and vegetables, moving with any of these other items; (2) Frozen fruits, frozen berries, and frozen vegetables; (3) Agricultural (including horticultural) commodities (not including manufactured products thereof), when moving on the same vehicle with other commodities classified as manufactured products, between points in Michigan, Ohio, Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Missouri, Kansas, and Colorado, on the one hand, and, on the other, points in California, Washington, Oregon, Arizona, Nevada, Utah, and Idaho; and (4) Meats, packing-house products, and commodities used by packing houses, as described in Sections B, C and D of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, and bones. (a) from Madison and Prairie du Chien. Wis., Austin, Minn., Davenport, Waterloo, Fort Dodge, Estherville, and Storm Lake, Iowa, to San Diego, Los Angeles, San Jose, San Francisco, Stockton, and Sacramento, Calif., Portland, Oreg., and Tacoma, Auburn, Seattle, and Spokane, Wash.; and (b) from Dubuque, Iowa, to points in Oregon and Washington. Applicant is authorized to conduct operations in California, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oregon, Washington, and Wisconsin.

Note: Applicant states that the authority sought in Nos. (1) and (2) above might duplicate certain claimed "grandfather" authority now being processed in a proceeding under Docket No. MC 112069 (Sub No. 7). Applicant further states it does not seek duplicate authority to, from or between the same points.

HEARING: September 10, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William P. Sullivan.

No. MC 114019 (Sub No. 27), filed June 4, 1959. Applicant: THE EMERY TRANSPORTATION COMPANY, & Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes. transporting: Canned and preserved foodstuffs, from Austin and Indianapolis, Ind., to points in Minnesota, Iowa, Missouri (except St. Louis), North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, West Virginia, and Kentucky (except Louisville, Bellevue, and Covington).

Note: Applicant has contract carrier authority in Permit No. MC 9685 and Sub Numbers thereunder. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 9685 (Sub No. 58).

HEARING: September 18, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William P. Sullivan.

No. MC 115036 (Sub No. 6), filed March 16, 1959. Applicant: VAN TAS-SEL, INCORPORATED, 5th and Grand, Pittsburg, Kans. Applicant's representative: H. V. Eskelin, P.O. Box 2028, Kansas City 42, Mo. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Clay, clay products and jointing materials, (1) from Pittsburg, Kans., to points in Alabama, Florida, Illinois, Indiana, Iowa, Louisiana, Minnesota, Mississippi, Ohio, Tennessee, and Wisconsin; (2) from Redfield, Iowa, to points in Arkansas, Kansas, Missouri, Nebraska, and Oklahoma; and (3) from St. Louis, Mo., to points in Illinois, Indiana, Kansas, and Ohio; and (a) clay products, and equipment, materials and supplies used or useful in the manufacturing, packaging, transporting and distributing of clay products, on return; and (b) clay products, and equipment, materials and supplies used or useful in the manufacturing, packaging, transporting and distributing of clay products, from points in Arkansas, Colorado, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, and Texas, to Pittsburg, Kans. Applicant is authorized to conduct operations in Kansas, Missouri, Nebraska, Oklahoma, Arkansas, New Mexico, Texas, Colorado, and South Dakota.

Note: Applicant states the proposed operations shall be under continuing contract or contracts with the W. S. Dickey Clay Manufacturing Company, Kansas City, Mo. Applicant further states that the proposed request for authority for return movement under (b) above, is to supplement applicant's present authorities held by it in Certificates No. MC 115036 and No. MC 115036 Sub No. 3.

HEARING: September 14, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 115036 (Sub No. 9), filed May 11, 1959. Applicant: VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. Applicant's representative: H. V. Eskelin, P.O. Box 2028, Kansas City 42, Mo. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Dry fertilizer, bagged and in bulk, from Tulsa, Okla., to points in Missouri, Arkansas, Louisiana, and Texas. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Missouri, New Mexico, Oklahoma, South Dakota, and Texas.

HEARING: September 14, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 115331 (Sub No. 17), filed May 15, 1959. Applicant: TRUCK TRANS-PORT, INC., Crystal City, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Acids and chemicals, dry, in bulk, in specialized vehicles and in shipper's specialized vehicles, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Ohio, Oklahoma, Pennsylvania, and Tennessee, and empty shipper's specialized vehicles used in transporting the above commodities.

on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Oklahoma, and Tennessee.

HEARING: September 14, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner A. Lane Cricher.

No. MC 115754 (Sub No. 1), filed March 26, 1959. Applicant: WILLIAM L. PRICKETT, Plainville, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Cereal malt beverages, and advertising matter, from points in the St. Paul-Minneapolis, Minn. Commercial Zone, to Hays, Kans., and empty containers or other such incidental facilities used in transporting the above-described commodities, on return. Applicant is authorized to transport malt beverages from St. Paul, Minn., St. Joseph and St. Louis, Mo., and Omaha, Nebr., to Norton, Kans., and empty malt beverage containers, on return.

HEARING: September 28, 1959, at the Hotel Kansan, Topeka, Kans., before Examiner James I. Carr.

No. MC 117029 (Second Republication), filed November 8, 1957. Applicant: GEORGE C. WIEGER, 10 Hawthorne Avenue, Trenton, N.J. Applicant's attorney: Robert Watkins, 170 South Broad Street, Trenton 10, N.J. The application as originally filed sought authority to operate as a contract carrier, over irregular routes, transporting: Uncrated commercial refrigerator display cases, and walk-in boxes, including installation and emergency l.t.l. shipments of these commodities, with or without installation, and refrigerating units and coils for installation in said cases and boxes, from Trenton, N.J., to points in Connecticut, Delaware, Maryland, New York (including Long Island and Staten Island), and points in Pennsylvania on and east of U.S. Highway 19, and second-hand display cases and boxes, on return. A Report and Order, Division 1, entered in the subject proceeding June 19, 1959, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce. as a common carrier by motor vehicle, over irregular routes, (1) of uncrated refrigerated display cases, walk-in refrigerator boxes, and refrigerating units and coils, from the plant site of C. V. Hill and Company, Inc., in Trenton, N.J., to points in Connecticut, Delaware, Maryland, New York, and those in Pennsylvania on and east of U.S. Highway 19. and (2) of used and damaged refrigerated display cases and walk-in refrigerator boxes (a) between points in the destination territory described in (1) above, and (b) from points in said destination territory to the plant site of C. V. Hill and Company, Inc., in Trenton, N.J., with service under (1) above limited to shipments for which shipper requires installation by applicant, and service under both (1) and (2) above to be restricted against the use of special motor vehicle equipment, and provides that a certificate authorizing such operations should be issued after the lapse of 30 days from the date of this republication in the FEDERAL REGISTER of this corrected statement of the authority here granted, and provided that no protests or petitions for further proceedings are received during such period; and that the application in all other respects be denied.

No. MC 117712 (Sub No. 2), filed March 16, 1959. Applicant: KENNETH WEBER, Highway 63 North, Kirksville, Mo. Applicant's attorney: James Glenn, Macon, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Logs and rough or undressed lumber, from points in Missouri and Iowa, to points in Illinois, Ohio, Wisconsin, Kentucky, and Indiana; and refused or damaged shipments of logs and rough or undressed lumber, on return.

HEARING: September 18, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner A. Lane Cricher.

No. MC 118828 (Sub No. 1), filed April 2, 1959. Applicant: HENRY K. FRIESEN, doing business as FRIESEN GRAIN AND TRANSPORT, Box 556, Meade, Kans. Applicant's attorney: Irene Osborn, First National Bank Building, Meade, Kans. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Manufactured feeds, grain products, and feed ingrédients, in bulk and sacks, (1) from Kansas City and St. Joseph, Mo., to points in Kansas, on and west of U.S. Highway 281; (2) from Wichita and Hutchinson, Kans., to points in that part of Oklahoma on and west of U.S. Highway 281 and on and north of U.S. Highway 60; (3) between points in Kansas on and west of U.S. Highway 281, on the one hand, and, on the other, points in Oklahoma and Texas.

Note: Exempt commodities will be transported on return.

HEARING: September 29, 1959, at the Hotel Lassen, Wichita, Kans., before Examiner James I. Carr.

No. MC 118914, filed April 30, 1959. Applicant: CLARENCE E. MEIER, doing business as MEIER BODY SHOP & TOWING SERVICE, 3rd and Virginia Street, Sioux City, Iowa. Applicant's attorney: Raymond B. Johansen, 222 Davidson Building, Sioux City 1, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wrecked, damaged or disabled trucks, tractors, trailers and automobiles, by use of wrecker equipment only, and parts and __ accessories when transported therewith and for use in the furtherance of the aforesaid service, between points in the following counties in IOWA-Woodbury, Plymouth, Sioux, Lyon, Osceola, Dickinson, Emmet, Kossuth, bago, Palo Alto, Hancock, Clay, O'Brien, Cherokee, Buena Vista, Pocahontas, Humbolt, Wright, Franklin, Hamilton, Webster, Calhoun, Sac, Ida, Monona, Crawford, Carroll, Greene, Boone, Story, Polk. Dallas, Guthrie, Audubon, Shelby, Harrison, Pottawattamie, Cass, Adair, Madison, Union, Adams, Montgomery,

Mills, Fremont, Page and Taylor, points following counties the Dixon, Ceum. Pierce, NEBRASKA—Dakota, Dixon, Cedar, Knox, Boyd, Holt, Antelope, Pierce, Wayne, Thurston, Garfield, Wheeler, Boone, Madison, Stanton, Cuming, Burt, Valley, Greeley, Platte, Colfax, Dodge, Washington, Sherman, Howard, Nance, Merrick, Hall, Hamilton, York, Seward, Butler, Lancaster, Clay, Fillmore, Saline, Gage, Johnson, Otoe, Nemaha, Douglas, Saunders, Sarpy, and Cass, points in the following counties in SOUTH -Union, Lincoln, Minnehaha, DAKOTA-Moody, Brookings, Kingsbury, Lake, McCook, Turner, Clay, Yankton, Clay, Hutchinson, Hanson, Miner, Sanborn, Davison, Aurora, Douglas, Charles Mix, and Bon Homme, and points in the following counties in MINNESOTA-Lincoln, Lyon, Redwood, Brown, Pipestone, Murry, Cottonwood, Watonwan, Blue Earth, Rock, Nobles, Jackson, Martin, and Faribault, on the one hand, and, on the other, points in Kansas, Nebraska, Illinois, South Dakota, Minnesota, and Iowa.

HEARING: September 25, 1959, at at the Rome Hotel, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 118935, filed May 13, 1959. Applicant: ELLIS PRATZ, doing business as E P TRANSPORT, P.O. Box 585, El Dorado, Kans. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, requiring heat in transit, and asphalt emulsions, in bulk, in tank vehicles, between points in Kansas on the one hand, and, on the other, points in Missouri, Nebraska, Iowa, and Illinois. HEARING: September 17, 1959, at the

HEARING: September 17, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 118955, filed May 22, 1959. Applicant: WILLIAM D. KELLY AND RUBY B. KELLY, doing business as R & B TRUCK LINES, 243 North Broadway, Wichita, Kans. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Malt beverages and specialties, signs and other advertising matter incidental to the sale and advertising of malt beverages, from St. Paul, Minn., Milwaukee, Wis., Fort Wayne, Ind., St. Louis, Mo., and Omaha, Nebr., to Wichita, Kans., and empty containers or other such incidental facilities, rejected shipments of malt beverages, advertising materials and signs incidental to the advertising and sale of beer, on return.

HEARING: September 29, 1959, at the Hotel Lassen, Wichita, Kans., before Examiner James I. Carr.

No. MC 118959 (Sub No. 1), filed June 24, 1959. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Water well casing, pipe and tubing,

sheet and plate steel, from Carlinville, Centralia, and Flora, Ill., and Louisiana, Mo., to point in Alabama, Arizona, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, and Tennessee.

HEARING: September 15, 1959, at the U.S. Court House and Custom Building, 1114 Market Street, St. Louis, Mo., before Examiner A. Lane Cricher.

No. MC 118969, filed June 3, 1959. Applicant: RICHARD REINHOLD, doing business as WING TRANSPORTATION, 1418 South 18th Street, Maywood, II. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Salt, in dump vehicles, (a) from Dubuque, Iowa, Milwaukee, Wis., and St. Louis, Mo., to points in Illinois; (b) from Chicago, Ill., to points in Indiana and Wisconsin. (2) Slag, from Gary, Ind., to points in Illinois and Wisconsin. (3) Bulk aggregates, including but not limited to sand, gravel, and limestone, from points in Wisconsin, to points in Illinois.

HEARING: September 17, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William P. Sullivan.

No. MC 118977, filed June 5, 1959. Applicant: TRANSBULK, INC., 2930 East 12th Street, Joplin, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cement, (including portland cement, hydraulic cement and masonry cement) and dehydrated lime, as well as mixtures thereof, in bulk or bags, and empty containers or other such incidental facilities, between points in Arkansas, Louisiana, Oklahoma, Kansas, Missouri, Illinois, Texas, and Iowa.

HEARING: September 24, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 118979, filed June 5, 1959. Applicant: IOLA TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Cement, in bulk, in tank vehicles, and in bags and packages, from the plant site of the Lehigh Portland Cement Co., in Iola, Kans., to points in Kansas, those in Baxter, Benton, Boone, Carroll, Conway, Crawford, Franklin, Fulton, Izard, Johnson, Madison, Marion, Newton, Pope, Searly, Sebastian, Stone, Van Buren, and Washington Counties, Ark., those in Andrew, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Christan, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Douglas, Greene, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, Macon, Maries, McDonald, Miller, Moniteau, Morgan, Newton, Osage, Ozark, Pettis, Phelps, Platte, Polk, Pulaski, Randolph, Ray, Saline, St. Clair,

Stone, Taney, Texas, Vernon, Webster, and Wright Counties, Mo., and those in Adair, Alfalfa, Beaver, Blaine, Canadian, Cherokee, Cimarron, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Grant, Harper, Haskell, Kay, Kingfisher, Lincoln, Logan, McIntosh, Major, Mayes, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Roger Mills, Rogers, Sequoyah, Texas, Tulsa, Wagoner, Washington, Woods, and Woodward Counties, Okla., and rejected and returned shipments of the above specified commodities on return.

Note: Applicant states that the above transportation will be performed under a continuing contract with Lehigh Portland Cement Co. of Allentown, Pa.

HEARING: September 22, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 118981 (Sub No. 1) filed June 12, 1959. Applicant: CHARLES A. MATNEY, doing business as MATNEY TRUCK. LINE, Gilman, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines, Iowa. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Wagon boxes, and parts used in the repair thereof, from Gilman, Iowa, to points in Arkansas, Missouri, Kansas, Minnesota, Indiana, Illinois, Ohio, Michigan, Wisconsin, North Dakota, South Dakota, Nebraska, and Colorado, and empty containers or other such incidental facilities used in transporting the above-described commodities, on return.

HEARING: October 1, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Exam-

iner William P. Sullivan.

No. MC 119013, filed June 19, 1959. Applicant: DANIEL E. ENTZ, Route 5, Newton, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Manufactured feeds and ingredients thereof, including oyster shells, in sacks and in bulk, from points in Texas on and east of U.S. Highway 83 to points in Kansas on and east of U.S. Highway 83, those in Nebraska on and east of U.S. Highway 83 and those in Iowa, and exempt commodities on return.

HEARING: September 23, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

MOTOR CARRIER OF PASSENGERS

No. MC 1427 (Sub No. 4), filed June 1, 1959. Applicant: NEW MEXICO TRANSPORTATION COMPANY, INC., Box 937, Roswell, N. Mex. Applicant's attorney: Harold D. Waggoner, Simms Building, P.O. Box 1035, Albuquerque, N. Mex. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: Passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between Corona, N. Mex., and Willard, N. Mex., over New Mexico Highway 42, serving no intermediate points, as an alternate route for operating convenience only in connection with

applicant's authorized regular route operations. Applicant is authorized to conduct operations in New Mexico and Texas.

HEARING: September 1, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

APPLICATIONS IN WHICE HANDLING WITH-OUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 1649 (Sub No. 65), filed July 9, 1959. Applicant: RAILWAY EX-PRESS MOTOR TRANSPORT, INCOR-PORATED, Local Business Address: 101 Union Station, Indianapolis, Ind. Main Office: 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: General commodities, including Class A and B explosives, moving in express service, between Campbellsburg, Ind., and New Albany, Ind., from Campbellsburg over Indiana Highway 60 to junction Indiana Highway 111, thence over Indiana Highway 111 to New Albany, and return over the same route, serving the intermediate points of Salem, Pekin, and Borden, Ind. Applicant is authorized to conduct operations in Indiana. RESTRICTION: The service to be authorized herein will be subject to the following conditions: (a) The service to be performed by applicant shall be limited to a service which is auxiliary to, or supplemental of, express service; and (b) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt, covering in addition to the motor carrier movements by applicant, an immediately subsequent movement by rail or air.

Nore: Applicant states that interchange with rail and air express service will be made at New Albany, Ind. Applicant is a wholly-owned subsidiary of Railway Express Agency, Incorporated. Common control under section 210 may be involved.

No. MC 2633 (Sub No. 45), filed July 16, 1959. Applicant: WILLIAM F. CROSSETT, INC., P.O. Box 626, 404 Warren National Bank Building, Warren, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lubricating oil, in bulk, in tank vehicles, from Farmers Valley, Pa., to Cleveland, Ohio. Applicant is authorized to conduct operations in New York, Ohio, and Pennsylvania.

No. MC 39406 (Sub No. 10), filed June 12, 1959. Applicant: CENTRAL MOTOR LINES, INCORPORATED, 124 East Sixth Street, P.O. Box 1067, Charlotte 1, N.C. Applicant's attorney: E. B. Ussery, Security Federal-Building, Columbia 1, S.C. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transforting: General commodities, except those of unusual value, Class A and B explosives, livestock, household goods as defined by

the Commission, commodities in bulk, and those requiring special equipment, (A) Between Conover, N.C., and Salisbury, N.C., over U.S. Highway 70 and Alternate or By-Pass 70, via Statesville, N.C., serving no intermediate points; (B) Between Ashboro, N.C., and Wallace, S.C., from Ashboro over U.S. Highway 220 to Rockingham, N.C., thence over U.S. Highway 1 to Wallace, and return over the same route, serving no intermediate points; and (C) Between Monroe, N.C., and Pageland, S.C., over U.S. Highway 601, serving no intermediate points. Applicant is authorized to conduct operations in Delaware, Georgia. Illinois, Indiana, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and West Virginia.

No. MC 42405 (Sub No. 11), filed July 13, 1959. Applicant: MISTLETOE EX-PRESS SERVICE, a Corporation, 111 Harrison Street, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a common carrier, by motor vehicle, over regular routes. transporting: General commodities, except Class A and B explosives, moving in express service, between Dallas, Tex., and Wichita Falls, Tex.: from Dallas over U.S. Highway 80 to Fort Worth, and thence over U.S. Highway 287 (with authority to use the Dallas-Fort Worth Turnpike between Dallas and Fort Worth), to Wichita Falls, and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations, serving no intermediate points, and serving Wichita Falls only for purposes of tacking with applicant's existing authority. Applicant is authorized to conduct operations in Texas and Oklahoma.

No. MC 42487 (Sub No. 405), filed July 21, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: Wyman C. Knapp, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Vegetable oil, in bulk, in tank vehicles, from Culbertson, Mont., to points in Washington. Oregon, California and the Minneapolis-St. Paul, Minn., Commercial Zone. Applicant is authorized to conduct operations in Arizona, Wisconsin, Wyoming, Oregon, Washington, Idaho, California, North Dakota, Minnesota, Montana, Utah, Nevada, Colorado, Illinois, Indiana, Iowa, Michigan, Nebraska, New Mexico, and South Dakota.

No. MC 66562 (Sub No. 1515) (CORRECTION), filed June 26, 1959, published at Page 5518, issue of July 8, 1959. Applicant: RAILWAYEXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. In connection with the route description in route (1) between Boston, Mass., and Manchester, N.H., Massachusetts Highway 38 should be designated instead of Massachusetts Highway 28.

No. MC 75320 (Sub No. 92), filed July 20, 1959. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 390, Springfield, Mo. Authority sought to operate as a common carrier, by motor vehicle, over an alternate route, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between New Orleans, La., and Ft. Smith, Ark., from New Orleans, over U.S. Highway 61 to junction U.S. Highway 190, thence over U.S. Highway 190 to junction U.S. Highway 71, thence over U.S. Highway 71 to Ft. Smith, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

No. MC 78786 (Sub No. 218), filed July 20, 1959. Applicant: PACIFIC MOTOR TRUCKING COMPANY, 65. Market Street, San Francisco 5, Calif. Applicant's attorney: Wm. Meinhold, 65 Market Street, San Francisco 5, Calif. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Baggage, express, newspapers, milk and cream, subject to the following conditions, (1) the service to be performed by the said carrier shall be limited to that which is auxiliary to. or supplemental of, railroad or railway express service; (2) the said carrier shall not serve any point not a station on Northwestern Pacific Railroad, between San Rafael, Calif., and Eureka, Calif., over U.S. Highway 101 to Eureka, Calif., and return over the same route, serving all intermediate and off-route points which are stations on the line of Northwestern Pacific Railroad Company between said termini. Applicant is authorized to conduct operations in Arizona, California, Nevada, and Oregon.

Note: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 78787 and sub numbers thereunder; therefore, dual operations under section 210 may be involved.

No. MC 101126 (Sub No. 125), filed July 21, 1959. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati, Ohio. Authority sought to operate as a common or contract carrier, by motor vehicle, over irregular routes, transporting: Animal fats and greases, in bulk, in tank vehicles, from Louisville, Ky., to St. Bernard, Ohio, and rejected shipments of animal fats and greases, on return. Applicant is authorized to conduct operations in Ohio, Kentucky, Indiana, Illinois, Maryland, New York, North Carolina, Michigan, Tennessee, South Carolina, Virginia, Alabama, Wisconsin, Pennsylvania, Missouri, Arkansas, Iowa, Kansas, Minnesota, Nebraska, West Virginia, Georgia, New Jersey, and Florida.

Note: A proceeding has been instituted under section 212(c) in No. MC 101126 Sub 86 to determine whether applicant's status is that of a common or contract carrier.

No. MC 112520 (Sub No. 35), filed July 15, 1959. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, P.O. Box 161, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, Suite 713–717 Professional Building, Jacksonville 3, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Vegetable oil and fish oil, in bulk, in tank vehicles, from Pensacola, Fla., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, South Carolina, Ohio, Tennessee and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, North Carolina, Ghio, Tennessee and Tennessee.

No. MC 112846 (Sub No. 22), filed July 14, 1959. Applicant: CLARE M. MARSHALL, INC., Rouseville Road, P.O. Box 611, Oil City, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank vehicles, from Vanport, Pa., to Farmers Valley, Pa. Applicant is authorized to conduct operations in Delaware, Indiana, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

No. MC 113945 (Sub No. 11), filed July 15. 1959. Applicant: THE HAULING AND RIGGING CORPORATION, Highway 22, Climax, N.C. Applicant's attorney: Vaughan S. Winborne, Security Bank Building, Raleigh, N.C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Heavy commodities of such length, weight and bulk and other unusual characteristics as to require special vehicles and special facilities for handling, moving or placing, building materials, as defined in Ex Parte No. MC 45. and motor vehicles, whether involving the utilization of the motive power of the vehicles being transported, or not, between points in the United States, including Alaska. Applicant is authorized to conduct operations in Virginia, North Carolina, West Virginia, Tennessee, South Carolina, Georgia, Kentucky, Missouri, Illinois, Michigan, New York, New Hampshire, and Maine.

Note: Applicant states the proposed transportation is to be restricted solely to hauling for subsidiary and affiliated companies or partnerships of applicant, namely, Ferree, Motor & Equipment Company, Ferree, Jr., Company, Climax Oil Company, Live at Home Farm, all of Climax, N.C., and J. S. Ferree Construction Company, Greensboro, N.C.

APPLICATIONS UNDER SECTIONS 5 AND 2102(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC-F 7256. Authority sought for purchase by UNION PACIFIC MOTOR FREIGHT COMPANY, 1416 Dodge Street, Omaha, Nebr., of a portion of the operating rights of UNION PACIFIC STAGE COMPANY, 422 West Sixth Street, Los Angeles, Calif., and for acquisition by UNION PACIFIC RAIL-ROAD COMPANY, also of Omaha, of control of such rights through the purchase. Applicants' attorney: F. J. Melia, 1416 Dodge Street, Omaha, Nebr. Operating rights sought to be transferred: General commodities, as a common carrier over regular routes, between East Los Angeles, Calif., and Vernon, Calif., between Los Angeles, Calif., and Vernon, Calif., between Vernon, Calif., and North Long Beach, Calif., and between Long Beach, Calif., and the Harbor District of Los Angeles, Calif., serving all intermediate points. RESTRICTIONS: (1) The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service; (2) shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering, in addition to a motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by rail; (3) such further specific conditions as the Commission, in the future, may find it necessary to imnose in order to restrict said carrier's operation to service which is auxiliary to. or supplemental of, rail service. Vendee is authorized to operate as a common carrier in Wyoming, Idaho, Utah, Kansas, Missouri, Colorado, Iowa, Oregon, Nevada, Washington, California, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

Note: This application covers all of vendor's property carrier rights. Rights being retained are those of a passenger carrier.

No. MC-F 7257. Authority sought for puchase by CONSOLIDATED FREIGHT-WAYS, INC. (WASH. CORP.), 175 Linfield Drive, Menlo Park, Calif., of the operating rights and certain property of CARRIE E. GINOCCHIO, JOHN R. GINOCCHIO, AND BERTHAE. WHEELER, doing business as NEVADA CALIFORNIA TRANSPORTATION COMPANY, 1603 East Second Street, Reno, Nev. Applicants' attorneys: Eugene T. Liipfert, 175 Linfield Drive, Menlo Park, Calif., William B. Adams, 331 Pacific Building, Portland 4, Oreg., and Marvin H. Handler, 625 Market Street, San Francisco, Calif. Operating rights sought to be transferred: General commodities, with certain exceptions including household goods and commodities in bulk, as a common carrier over regular routes, between Westwood, Calif., and Reno, Nev., between Johnstonville, Calif., and Alturas, Calif., between Keddie, Calif., and Westwood, Calif., between junction California Highway 89 and unnumbered highway, and Chester, Calif., and between Westwood, Calif., and Chester, Calif., serving all intermediate and certain off-route points without restriction, and between Alturas, Calif.,

and Klamath Falls, Oreg., and all intermediate points, with service at Klamath Falls and intermediate points restricted to the transportation of shipments originating at or destined to points south of Alturas, and with service at Alturas for the purpose of joinder only of the route herein authorized with carrier's authorized regular routes; general commodities, with certain exceptions including neither household goods nor commodities in bulk. between Keddie, Calif., and Reno, Nev., and between Reno, Nev., and Gardnerville, Nev., serving all intermediate points without restriction, and the off-route point of Walker Mine, Calif., during the season extending between June and November. Vendee is authorized to operate as a common carrier in Utah, Idaho, Oregon, Nevada, Washington, California, Minnesota, Montana, North Dakota, Wisconsin, Illinois, Wyoming, Iowa, Arizona, Kentucky, Pennsylvania, West Virginia, New Mexico, and Colorado. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7258. Authority sought for purchase by DARL D. WOMELDORF, doing business as W. 1. WOMELDORF & SONS, P.O. Box 232, Lewistown, Pa., of a portion of the operating rights of BOWEN TRUCKING, INC., Ridge Road, Holley, N.Y. Applicants' attorneys: Robert H. Shertz, 811 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa., and Raymond A. Richards, 35 Curtice Park, Webster, N.Y. Operating rights sought to be transferred: Canned goods and frozen foods, as a common carrier over irregular routes, from points in Monroe and Genesee Counties, N.Y., to points in New Jersey and Pennsylvania, and those in the New York, N.Y., Commercial Zone, as defined by the Commission; sugar, from points in the New York, N.Y., Commercial Zone as defined by the Commission to points in Niagara, Orleans, Monroe, and Genesee Counties, N.Y.; empty containers, from points in New Jersey, Pennsylvania, and those in the New York, N.Y., Commercial Zone. as defined by the Commission, to points in Orleans, Monroe, and Genesee Counties, N.Y.; fertilizer, from Baltimore, Md., and Carteret, N.J., to points in Erie, Orleans, Monroe and Genesee Counties, N.Y., and from Carteret, N.J., to points in Allegany County, N.Y.; fresh fruit, from points in Pennsylvania to points in Monroe and Orleans Counties, N.Y.; materials and supplies used in the manufacture and distribution of food products. from Hamlin, Hilton and Holley, N.Y., to Aspers, Pa.; canned goods, frozen foods and fruits, vinegar stock and fresh fruits and vegetables, from points in Erie, Niagara and Orleans Counties, N.Y., to points in New Jersey, Pennsylvania and those in New York within the New York. N.Y., Commercial Zone as defined by the Commission; cereal preparations, dry, from Hamlin, Hilton, Holley and Rochester, N.Y., to points in New Jersey, Pennsylvania, and points in the New York Commercial Zone, as defined by the Commission; teething biscuits, from Rochester, N.Y., to points in New Jersey, Pennsylvania, and points in the New York, N.Y., Commercial Zone, as defined by the Commission; aluminum foil, in

rolls, from Milford and Harrison, N.J., to Albion, N.Y.; cores and pallets used in the transportation of aluminum foil, from Albion, N.Y., to Milford and Harrison, N.J.; beef extract and spices, in packages, from Hoboken, N.J., to Holley, Water-port, and Albion, N.Y.; soup mixes, de-hydrated, from Albion, N.Y., to points in New Jersey and Pennsylvania. Vendee is authorized to operated as a contract carrier in Pennsylvania, West Virginia, Maryland, New Jersey, Delaware, New York, Virginia, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. A proceeding has been instituted under section 212(c) in Docket No. MC 52552 Sub 14 to determine whether vendee's status is that of a contract or common carrier. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7259. Authority sought for consolidation into LAW MOTOR FREIGHT, INC., Airport Road, Nashua, N.H., of the operating rights and property of LAW & INGHAM TRANSPORTA-TION COMPANY, INC., Airport Road, Nashua, N.H., and SOUTHWESTERN NEW HAMPSHIRE TRANSPORTA-TION COMPANY, INC., Tremont Street, Wilton, N.H., and for acquisition by RALPH R. MELENDY, Prospect Street, Milford, N.H., JOHN P. LAWRENCE, 10 Highland Street, Hudson, N.H., VER-NICE W. LAW, 11 Ashland Street, Nashua, N.H., and GEORGE B. LAW, 24 Pine Hill Avenue, Nashua, N.H., of control of such rights and property through the transaction. Applicant's attorney: T. J. O'Loughlin, Jr., 18 Baker Street, Hudson, N.H. Operating rights sought to be consolidated: (LAW & INGHAM) General commodities, with certain exceptions including household goods and commodities in bulk, as a common carrier over regular routes, between Manchester, N.H., and Boston, Mass., and between Winchendon, Mass., and Boston, Mass., serving all intermediate and certain offroute points; general commodities, with certain exceptions excluding household goods and including commodities in bulk, between Nashua, N.H., and Lowell, Mass., serving all intermediate points; general commodities, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Nashua, N.H., and points within 10 miles of Nashua, and Manchester, N.H., and Boston, Mass., and points within five miles of each; general commodities, with certain exceptions excluding household goods and including com-, modities in bulk, between points in Hillsboro County, N.H., on the one hand, and, on the other, points in Massachusetts within a radius of 45 miles of Nashua; household goods, as defined by the Commission, between points in Hillsboro County, N.H., on the one hand, and, on the other, points in Massachusetts; (SOUTHWESTERN NEW HAMP-SHIRE) general commodities, with certain exceptions including household goods and commodities in bulk, as a common carrier over regular routes, between Antrim, N.H., and Boston, Mass., between Concord, N.H., and Wilton, N.H., between Boston, Mass., and New Bedford, Mass.,

between Taunton, Mass., and New Bedford, Mass., and between Dartmouth. Mass., and Acushnet, Mass., serving certain intermediate and off-route points; lumber, over irregular routes, from Wilton and Milford, N.H., to points in Connecticut and certain points in Rhode Island and Massachusetts; fruit, from points in Hillsboro County, N.H., to Ayer, Lowell, Boston, Billerica, and Littleton, Mass.; new furniture, from Milford, N.H., to West Concord, Mass., Providence, R.I., New Haven, Conn., and New York, N.Y.; paper, from Henniker, N.H., to Northbridge, Mass., and Darlington and Pawtucket, R.I., and from Bennington, N.H., to Providence, R.I., and certain points in Massachusetts; paper mill supplies, from Providence, R.I., and Worcester, Mass., to Bennington and Henniker, N.H.; rayon and wool tops and empty bags, between Wilton, N.H., and South Barre, Mass.; apples, between Hancock and Peterboro, N.H., on the one hand, and, on the other, Ayer, Mass., and Red Hook, N.Y., and New York, N.Y.; machinery, between Wilton, N.H., on the one hand, and, on the other, North Grosvernordale, Conn., points in Rhode Island, and those in Massachusetts on and east of U.S. Highway 5; wooden boxes and wooden box shooks, from Jaffery, Peterboro, and Wilton, N.H., to points in Connecticut, Massachusetts, and Rhode Island. LAW MOTOR FREIGHT, INC., holds no authority from this Commission. However, its controlling stockholders are the majority stockholders of the following carriers: (VERNICE W. LAW AND GEORGE B. LAW) LAW & INGHAM TRANSPORTA-TION COMPANY, INC., (RALPH R. MELENDY AND JOHN P. LAWRENCE) SOUTHWESTERN NEW HAMPSHIRE TRANSPORTATION COMPANY, INC. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7261. Authority sought for purchase by LOMBARD BROS., INCOR-PORATED, 249 Mill Street, Waterbury 20, Conn., of the operating rights of JAMES J. SENTNER, INC., 2100 49th Street, North Bergen, N.J., and for acquisition by JOSEPH R. LOMBARD, NICHOLAS LOMBARD and CLOTILDA LOMBARD, all of New Haven Road, Prospect, Conn., and GIOCONDA LOM-BARD, 764 Bunker Hill Avenue, Waterbury, Conn. (individually and as Executrix of the Estate of JOSEPH LOMBARD), of control of such rights through the purchase. Applicants' attorneys: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn., and James J. Farrell, 201 Montague Place, South Orange, N.J. Operating rights sought to be transferred: General commodities, with certain exceptions including household goods and commodities in bulk, as a common carrier over irregular routes. between Newark, N.J., and points in New Jersey within 30 miles of Newark, on the one hand, and, on the other, New York, N.Y. Vendee is authorized to operate as a common carrier in Connecticut, Massachusetts, Pennsylvania, New Jersey, Rhode Island, and New York. Application has not been filed for temporary authority under section 210a(b).

· MOTOR CARRIERS OF PASSENGERS

No. MC-F 7260. Authority sought for No. MC-F 7260. Authority solight for control by OLIVER ANDERSON AND LOYED CAVINS, 312 West Morris Street, Caseyville, Ill., of VANDALIA BUS LINE, INC., 108 St. Louis Road, Collinsville, Ill. Applicants' attorney: Joseph H. Goldenhersh, 406 Missouri Avenue, East St. Louis, Ill. Operating rights sought to be controlled: Passenrights sought to be controlled: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, as a common carrier over regular routes, between St. Louis, Mo., and Vandalia, Ill., serving all intermediate points: From St. Louis over U.S. Highway 40 to junction Alternate U.S. Highway 40 (formerly U.S. Highway 40), and thence over Alternate U.S. Highway 40 via Greenville, Mulberry Grove and Hagarstown, Ill., to Vandalia, and return over the same route; and between Collinsville, Ill., and Edwardsville, Ill., serving all intermediate points: From Collinsville over U.S. Highway 40 to junction Illinois Highway 159, and thence over Illinois Highway 159 to Edwards-ville, and return over the same route; passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from points in Illinois to St. Louis, Mo., and return. OLIVER ANDERSON AND LOYED CAVINS hold no authority from this Commission. However, both jointly control CENTRAL & SOUTHERN TRUCK LINES, INC., Caseyville, Ill., a contract carrier, and INDUSTRIAL BUS LINES, INC., Caseyville, Ill., a common carrier. OLIVER ANDERSON controls CASEYVILLE BUS LINE, INC., Caseyville, Ill., a common carrier. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCoy,

Secretary.

[F.R. Doc. 59-6227; Filed, July 28, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 23, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

FSA No. 35570: Phosphate rock—Bartow, Fla., to Holden and Pleasant Hill, Mo. Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, in carloads from Bartow, Fla., and points taking same rates to Holden and Pleasant Hill, Mo.

Grounds for relief: Short-line distance formula.

FSA No. 35571: Petroleum coke— Texas points to Virgina points. Filed by Southwestern Freight Bureau, Agent

(No. B-7593), for interested rail carriers. Rates on petroleum coke, in carloads from Port Arthur and West Port Arthur, Tex., to Bellwood, Bentonville, and Roanoke, Va.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 117 to Southwestern Freight Bureau tariff I.C.C. 3983.

FSA No. 35572: Perlite between points in Texas. Filed by Texas-Louisiana Freight Bureau, Agent (No. 362), for interested rail carriers. Rates on perlite, in carloads, between points in Texas over interstate short tariff routes.

Grounds for relief: Texas intrastate competition.

Tariff: Supplement 92 to Texas-Louisiana Freight Bureau tariff I.C.C.

FSA No. 35574: Iron and steel articles—Chicago area to Mississippi points. Filed by Illinois Freight Association, Agent (No. 67), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads from Chicago, Ill., and points in switching district, also Joliet, South Chicago, Ill., Gary and Indiana Harbor, Ind., to Jackson, Tougaloo and Van Winkle, Miss.

Grounds for relief: Barge-rail competition.

Supplement 13 to Illinois Tariff: Freight Association tariff I.C.C. 907.

FSA No. 35575: Substituted service-C&O for Smith's Transfer Corporation of Staunton, Va. Filed by Middle Atlantic Conference, Agent (No. 17), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Staunton, Va., on the one hand, and Huntington, W. Va., on the other, on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor truck comnetition.

Tariff: Middle Atlantic Conference tariff I.C.C. 10, MF-I.C.C. A-983.

FSA No. 35576: Silicon carbide firebrick-Worcester, Mass., to Tulsa, Okla. Filed by Southwestern Freight Bureau. Agent (No. B-7590), for interested rail carriers. Rates on silicon carbide firebrick, in carloads from Worcester, Mass., to Tulsa, Okla.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 364 to Southwestern Freight Bureau tariff I.C.C. 4109.

FSA No. 35577: Iron or steel articles to Nashville, Tenn. Filed by Illinois Freight Association, Agent (No. 66), for interested rail carriers. Rates on iron or steel articles, in carloads from points in Illinois, Indiana, Kentucky, Missouri, and Ohio to Nashville, Tenn.

Grounds for relief: Barge competition. Tariffs: Supplement 13 to Illinois Freight Association tariff I.C.C. 907. Supplement 75 to Southern Freight Association tariff I.C.C. 1592.

FSA No. 35578: Iron and steel articles to Baton Rouge and New Orleans, La. Filed by Illinois Freight Association. Agent (No. 68), for interested rail carriers. Rates on iron and steel articles, in carloads from points in Illinois and In-

diana, and Milwaukee, Wis., to Baton Rouge and New Orleans, La.

Grounds for relief: Market competi-

Tariff: Supplement 13 to Illinois Freight Association tariff I.C.C. 907.

tion and restore relationships.

AGGREGATE-OF-INTERMEDIATES

FSA No. 35573: Fruits and vegetables and perlite between points in Texas. Filed by Texas-Louisiana Freight Bureau, Agent (No. 363), for interested rail carriers. Rates on frozen fruits and vegetables, and perlite, in carloads between points in Texas on traffic originating at or destined to points outside Texas via interstate routes.

Grounds for relief: Maintenance of through one-factor rates exceeding lowest combinations using as factors depressed rates between Texas points described above.

Tariff: Supplement 92 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

By the Commission.

[SEAL]

HAROLD D. MCCOY. Secretary.

[F.R. Doc. 59-6164; Filed, July 27, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 24, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35579: Vegetable meal from. to and between points in the west and south. Filed by Southwestern Freight Bureau, Agent (No. B-7568), for interested rail carriers. Rates on vegetable meal, whole pressed cottonseed, soybean hulls, and related articles, in carloads from, to, and between points in southwestern, western trunk line, southern, and Illinois territories.

Grounds for relief: Short-line distance formula and market competition.

Tariffs: Supplement 107 to Southwestern Freight Bureau tariff I.C.C. 3972 and other schedules named in the application.

FSA No. 35580: Roofing and building material from the southwest to the south. Filed by Southwestern Freight Bureau. Agent (No. B-7594), for interested rail carriers. Rates on roofing and building material, in carloads from points in southwestern territory to points in southern territory, including Mississippi River crossings Memphis, Tenn., and south, Helena and West Helena, Ark.

Grounds for relief: Market competition.

Tariff: Supplement 21 to Southwestern Freight Bureau tariff I.C.C. 4264.

By the Commission.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-6223; Filed, July 28, 1959; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Benton Industries, Inc., Colley Street, Benton, Pa.; effective 7-30-59 to 7-29-60 (men's and boys' sport shirts).

Blue Bell, Inc., Madison, Va.; effective 7-21-59 to 7-13-60 (replacement certificate)

(little boys' play clothing).
Colonial Blouse Co., 112 Line Street, Pottsville, Pa.; effective 7-20-59 to 7-19-60 (Ladies' cotton and nylon blouses).

Colonial Shirt Corp., Woodbury, Tenn.; effective 7-21-59 to 7-20-60 (men's and boys' dress and sport shirts).

Commerce Manufacturing Co., Inc., Commerce, Ga.; effective 7-16-59 to 7-15-60 (men's and boys' cotton pants, dungarees and overalls).

Henson Garment Co., 246 Oconee Street, Athens, Ga.; effective 7-15-59 to 7-14-60 (men's work pants, shirts and jackets).

Lanier Manufacturing Co., Eisley, S.C.; effective 7-19-59 to 7-18-60 (men's and boys' sport shirts).

Lawrence Manufacturing Co., Lawrence-ville, Va.; effective 7-20-59 to 7-19-60 (misses' and women's cotton blouses).

Linden Manufacturing Co., Linden, Ala.; effective 7-21-59 to 7-20-60 (cotton dresses). McMinnville Garment Co., McMinnville, Tenn.; effective 7-24-59 to 7-23-60 (cotton work and sport trousers).

Martin Shirt Co., 27 East Poplar Street, Shenandoah, Pa.; effective 7-31-59 to 8-1-60 (ladies' blouses; boys' sport shirts).

Morganstern Pants Co., 404 Willis Street, Fredericksburg, Va.; effective 7-20-59 to 7-19-60 (men's trousers).

Moyer Co., Commerce and Walnut Streets, Youngstown, Ohio; effective 7-17-59 to 7-16-60 (men's slacks).

Oberman Manufacturing Co., Morrilton, Ark.; effective 7-16-59 to 7-15-60 (men's and boys' pants).

No. 147-7

Royal Manufacturing Co., Inc., Washington, Ga.; effective 7-22-59 to 7-21-60 (men's and boys' woven sport shirts).

Tic Tac Co., Inc., Dicey Creek Road, RFD No. 2, Camden, S.C.; effective 7-18-59 to 7-17-60 (children's outerwear).

Toby Manufacturing Co., Inc., 620 Franklin Avenue, Essex, Baltimore, Md.; effective 7-28-59 to 7-27-60 (men's apparel).

Tropical Garment Manufacturing Co., 2508 Ivy Street, Tampa, Fla.; effective 7-20-59 to 7-19-60 (men's and boys' sport shirts, shorts and trousers).

Weatherbee Coats, Inc., 461 East Federal Street, Youngstown, Ohio; effective 7–30–59 to 7–29–60 (ladies' rainwear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Fairmont Manufacturing Co., Inc., Fairmont, N.C.; effective 7-26-59 to 7-25-60; 10 learners (ladies' nightgowns and pajamas). Holly Hill Dress Corp., Holly Hill, S.C.; effective 7-20-59 to 7-19-60; 7 learners (children's dresses).

Mt. Vernon Corp., Mt. Vernon, Ga.; effective 7-20-59 to 7-19-60; 10 learners (women's outer garments, dresses).

Pajama Craft Manufacturing Co., Inc., Monarch St., Littlestown, Pa.; effective 7-17-59 to 7-16-60; 10 learners (men's and boys' pajamas).

boys' pajamas).
Patrician Frock Co., 30 Susquehanna Street,
Jim Thorpe, Pa.; effective 7-15-59 to 7-14-60;
5 learners (children's dresses).

Pierro Manufacturing Co., 402 Pecan Avenue, Sanford, Fla.; effective 7-16-59 to 7-15-60; 10 learners (men's, ladies' and children's sleepwear).

Statesboro Manufacturing Co., Statesboro, Ga.; effective 7-20-59 to 7-19-60; 10 learners (women's outer garments, dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bellaire Garment Co., Bellaire, Ohio; effective 7-20-59 to 1-19-60; 25 learners. Learners may not be engaged at special minimum wage rates in the production of separate skirts and/or lined jackets (women's dresses, sportswear, jackets, etc.).

Bien Jolie Foundation Garments, 410 Ashe

Bien Jolie Foundation Garments, 410 Ashe Avenue, Dunn, N.C.; effective 7-16-59 to 1-15-60; 30 learners (women's foundation garments).

Blue Bell, Inc., Red Bay, Ala.; effective 7-15-59 to 1-14-60; 50 learners (men's and boys' work and sport pants).

The Carthage Corp., Carthage, Miss.; effective 7-15-59 to 1-14-60; 50 learners (men's slacks).

Henson Garment Co., 246 Oconee Street, Athens, Ga.; effective 7-15-59 to 1-14-60; 10 learners (men's work pants, shirts and jackets).

Lawrence Manufacturing Co., Lawrenceville, Va.; effective 7-20-59 to 1-19-60; 25 learners (misses' and women's cotton blouses).

The Newton Co., Newton, Miss.; effective 7-15-59 to 1-14-60; 50 learners (men's slacks).

Tic Tac Co., Inc., Dicey Creek Road, RFD No. 2, Camden, S.C.; effective 7-22-59 to 1-21-60; 30 learners (children's outerwear).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars, Inc., Morgan Street, Selma, Ala.; effective 7–20–59 to 1–19–60; 60 learners for plant expansion purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Indianapolis Glove Co., Inc., Richmond, Ind.; effective 7-30-59 to 7-29-60; 10 learners for normal labor turnover purposes (combination leather and cotton work gloves).

Indianapolis Glove Co., Inc., Houlka, Miss.; effective 7-30-59 to 7-29-60; 10 learners for normal labor turnover purposes (canton flannel work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Melrose Hosiery Mills, Inc., 1541 English Street, High Point, N.C.; effective 8-1-59 to 7-31-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless)

Southland Sox, Inc., 937 Gault Avenue, North, Fort Payne, Ala.; effective 8-1-59 to 7-31-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wayne Knitting Mills, 641 Knitters Avenue, Fort Wayne, Ind., effective 7-28-59 to 7-27-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Bluemont Knitting Mills, Inc., East Virginia Street, Galax, Va.; effective 7-16-59 to 12-18-59; 10 learners for plant expansion purposes' (supplemental certificate) (knit shirts, pajamas)

Delta Undies, Inc., Webb, Miss.; effective 7-20-59 to 1-19-60; 25 learners for plant expansion purposes (women's, children's and infants' knitted underwear).

East Tennessee Undergarment Co., Inc., New Johnson City Highway, Elizabethton, Tenn.; effective 7-28-59 to 7-27-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's knit rayon underwear).

Movie Star of Ellisville, Ellisville, Miss.; effective 7-30-59 to 7-29-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' slips, petticoats and bouffants).

Royal Manufacturing Co., Washington, Ga.; effective 7-22-59 to 7-21-60; 5 percent of the total number of factory production workers engaged in the production of men's and boys' undershorts for normal labor turnover purposes.

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Clayton Shoe Co., Corning, Ark.; effective 7-15-59 to 7-14-60; 10 learners for normal labor turnover purposes (women's shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Stanberry Manufacturing Co., Stanberry, Mo.; effective 8-1-59 to 1-31-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 90 cents an hour (headwear).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Esco Corp., Morovis, P.R.; effective 7-1-59 to 12-31-59; 25 learners for plant expansion purposes in the occupations of: (1) sewing machine operators for a learning period of 320 hours at the rates of 43 cents an hour for the first 160 hours and 50 cents an hour for the remaining 160 hours; (2) skivers, die cutters, decorators, case makers, finishing-inspectors, rivetting machine operators, each for a learning, period of 160 hours at 43 cents an hour (wallets).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 22d day of July 1959.

ROBERT G. GRONEWALD, Authorized Representative of the Administrator.

[F.R. Doc. 59-6215; Filed, July 28, 1959; 8:46 a,m.]

CUMULATIVE CODIFICATION GUIDE—JULY

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during July. Proposed rules, as opposed to final actions, are identified as such.

3 (CFR Page	7 CFR—Continued Page	14 CFR—Continued Page
Proc	clamations:	Proposed rules:	Proposed rules—Continued
	33015327	52 5372, 5845	299 6056
	33025707	535478	507 5659, 5849
	33035773	555421	514 584
_	3304 5931	3196055	600 5723
	cutive orders:	906 5549	5760, 5973, 6007, 6008, 605
	Feb. 17, 1843 5575	9096005	601 5723, 5760, 5761, 5973, 6008
	Jan. 1, 1908 6001	911 5939	6025919, 5920
	Jan. 11, 1916 5796	925 5372, 5491	6085973, 5974
	July 17, 1917 6051	933 5391	15 CFR
	Aug. 23, 1917 6051	939 6055	230 533
	4245 5721	946 5758	371553
	8509 5762	949 5742	373 553
	10828 5735	957	379553
	10829 5817	9586005	381 553
	10830 5985	9605645	382553
5 (CFR	9615479	385 5538
6	5485, 5561, 5593, 5623, 5773, 5775	9635491	3996042
	5817	9646005	1
	5327	9735614, 6006	16 CFR
	5357	9755645	13 5365, 5366, 5416, 5417, 5467, 5487
		989 5577	5488, 5537, 5538, 5565, 5566, 5603
	CFR	992 5614	5604, 5737, 5753, 5754, 5788, 5826
10	5329	993 5509	5827, 5899, 5931, 5932, 5965, 5997
331.	5817, 5996	10035809, 5968	5998, 6046.
421_	5437, 5959	1008 5969	303 573′
464.	5669	1023 5943	17 CFR
4 83.	5775	1028 5908	2 5960
484_	5777	8 CFR	35960
7 (CFR -	502 5525	
		9 CFR	9 5966
		78 5532	
Ευ ΩΤ'''	5357, 5684	Proposed rules:	11 5960
04 co	5363	131 5615	2305900
00	5985	1	239 5900
210 201	5561, 5686, 5819	10 CFR	250 5489
010 919-	5819, 5821	Proposed rules:	Proposed rules:
919_	5821, 5823	20 5551	270 6008
321	5823	L .	118 CFR
33U_	5363	13 CFR 121 5628	260 5755
30Z	5823	121 5628	10 CFR
720.	5437, 5710	14 CFR	19 CFR
13U_ 010	5623	4b 5629, 5688	1 5366, 5998
04E 019-	5329	10 5629, 5688	2 5366
060 040-	5363	205485, 5634	8 5999
009~	5364	405629, 5687, 5688	17 5489
ひひひ	5329	415415, 5629, 5687, 5688	24 5755
303_ 009_	5626	42 5629, 5687, 5688	31 5367
<i>344</i> _ 095	5411, 5593, 5751, 5824, 5963, 6025	43 5629, 5687, 5688	21 CFR
348_ 097	6027	60 5687, 5688, 5759	1 5367
341_ 022	5735 	221 5564	9 5707
		235 5600	130 5827
	5329	241 5603	146a5538
	5330, 5331, 5461-5465, 5595-5597	4095898	Proposed rules:
940_ 052		~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	
057 057		414 6038	1 46 5201
UEQ 201~	5413, 5466, 5598, 5753, 5964	4146038 507 5415 5534 5634 5064 5007	465391
0E0 900-	5413, 5466, 5598, 5753, 5964 5413	507 5415, 5534, 5634, 5964, 5997	53 5511
303-	5413, 5466, 5598, 5753, 5964 5413 5711	507 5415, 5534, 5634, 5964, 5997 514 5534, 5635	53 5511 120 5345, 5423, 5550, 6008
በራለ	5413, 5466, 5598, 5753, 5964 	5075415, 5534, 5634, 5964, 5997 5145534, 5635 6005336, 5760	53 5511 120 5345, 5423, 5550, 6008 121 5948
960	5413, 5466, 5598, 5753, 5964 5413 5413 5711 5599 5987	5075415, 5534, 5634, 5964, 5997 5145534, 5635 6005336, 5760 6015336, 5760, 5761	53 5511 120 5345, 5423, 5550, 6008 121 5945 130 5391
960. 969.	5413, 5466, 5598, 5753, 5964 	5075415, 5534, 5634, 5964, 5997 5145534, 5635 6005336, 5760 6015336, 5760, 5761	535511 1205345,5423,5550,6008 1215945 1305391 3045757
960 969 973	5413, 5466, 5598, 5753, 5964 	5075415, 5534, 5634, 5964, 5997 5145534, 5635 6005336, 5760 6015336, 5760, 5761 6025337, 5341, 5467, 5779, 5933, 6039	53 5511 120 5345, 5423, 5550, 6008 121 5945 130 5391 304 5757 24 CFR
960 969 973 975	5413, 5466, 5598, 5753, 5964 	5075415, 5534, 5634, 5964, 5997 5145534, 5635 6005336, 5760 6015336, 5760, 5761 6025336 6095337, 5341, 5467, 5779, 5933, 6039 6105786	535511 1205345,5423,5550,6008 1215945 1305391 3045757
960 969 973 975 990	5413, 5466, 5598, 5753, 5964 	5075415, 5534, 5634, 5964, 5997 5145534, 5635 6005336, 5760 6015336, 5760, 5761 6025336 6095337, 5341, 5467, 5779, 5933, 6039 6105786 12215688	53 5511 120 5345, 5423, 5550, 6008 121 5945 130 5391 304 5757 24 CFR
960 969 973 975 990 992	5413, 5466, 5598, 5753, 5964 	5075415, 5534, 5634, 5964, 5997 5145534, 5635 6005336, 5760 6015336, 5760, 5761 6025337, 5341, 5467, 5779, 5933, 6039 6105786 12215688 Proposed rules:	535511 1205345, 5423, 5550, 6008 1215948 1305391 3045757 24 CFR 2215636 2325756
960 969 973 975 990 993	5413, 5466, 5598, 5753, 5964	5075415, 5534, 5634, 5964, 5997 5145534, 5635 6005336, 5760 6015336, 5760, 5761 6025337, 5341, 5467, 5779, 5933, 6039 6105786 12215688 Proposed rules: 405424, 5847	535511 1205345, 5423, 5550, 6008 1215948 1305391 3045757 24 CFR 2215636 2325756 25 CFR
960 969 973 975 990 993	5413, 5466, 5598, 5753, 5964	507	535511 1205345, 5423, 5550, 6008 1215948 1305391 3045757 24 CFR 2215636 2325756 25 CFR 465566
960 969 973 975 990 992 993	5413, 5466, 5598, 5753, 5964	507	535511 1205345, 5423, 5550, 6008 1215945 1305391 3045757 24 CFR 2215636 2325756 25 CFR 465566 915778
960 969 973 975 992 993 1020	5413, 5466, 5598, 5753, 5964	507	535511 1205345, 5423, 5550, 6008 1215945 1305391 3045757 24 CFR 2215636 2325756 25 CFR 465566 915776 2215367, 5538
960_ 969_ 973_ 975_ 990_ 993_ 1020 1022	5413, 5466, 5598, 5753, 5964	507	53
960_ 969_ 973_ 975_ 990_ 993_ 1020 1022 1067	5413, 5466, 5598, 5753, 5964	507	53

6076 NO

26 (1954) CFR Page	41 CFR Page	46 CFR—Continued Page
5368	Proposed rules:	25 5800
405901	201 6007	26 5800
170 5828 173 5829	42 CFR	30 5800
195 5709	401 5335	33
2405539, 5689	Proposed rules:	77 5800
252 5789	4005345	78 5544
253 5636	401 5345	90 5800
Proposed rules:	43 CFR	96 5801
1 5803, 5968	76 5757	97 5544
29 CFR	Proposed rules:	110 5801 113 5801
681 5466	115 5577, 5808 Public land orders:	160 5545
Proposed rules: 5742	17 5921	167 5548
	19 5420	172 5610, 5757, 5967
31 CFR _	172 5741	175 5801
1005489	293 6000	184 5801
270 5605	7126001	185 5801 187 5802
32 CFR	10176001	187 5802 Proposed rules:
561 5791	10455418 10865418	201—380 5422
590 5711	11996001	2265973
591 5711	13456001	47 CED
592 5711 596 5711	1748 5905	47 CFR
597 5711	1885 5371, 5757	2 5611
598	1886 5371	3 5834
605 5711	1887 5418	9 5575 10 5837
606 5711	1888 5418 1889 5419	11 5637
805 5879	1890 5419	12 5840
822 5737	18915420	13 5721
836 5568	1892 5420	216052
862 5756 875 5333	1893 5575	31 5842
10015671	1894 5575	33 5842
1002 5883	1895 5638	34 5842
1003 5890	1896 5638	35 5842
1452 5490, 5831	1897 5721 1898 5741	Proposed rules:
1453 5490	1899 5794	16057
1457 5831	19005794	3 5849-5851
1459 5832 1466 5832	1901 5795	7 5346
	1902 5795	8 5346
33 CFR	1903 5795	10 5660
60 5605	1904 5796 1905 5796	11 5660 16 5660
62 5605 64 5607	1905 5796 1906 5796	16 5660 19 6059
665607	1907 5797	
68 5607	1908 5797	49 CFR
70 5608	1909 5904	31 5968
72 5608	1910 5905	72 5639
74 5608	19115905	73 5639
202 5369	1912 5966 1913 5967	74 5641
203 5345, 5369, 5467, 5879, 5999 204 5999	1914 6000	77 5643
2055610, 6038	19156000	78 5643
36 CFR	1916 6000	91 6003
13 5335	1917 6001 -	131 6004
20 5335, 5832, 5999	19186001	132 5576
	19196001	156 5469
38 CFR	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	170 5548
35369	19226002	50 CFR
36 5370	1923 6047	104 5491,
39 CFR	19246049	5549, 5644, 5689, 5722, 5741, 5802
4 5906	1925 6050	105 5933
315906	19266050	107 5576
335794, 6038 355906	1927 6051	108 5802
35 5906 45 5794	46 CFR	109 5802, 5908, 5933
1115610	2 5799	111 5335, 5802
161 5610	10 5799, 5802	112 5335
168 5467, 5490, 5832	245800	351 5645